



12 August 2021

Submission to the Victorian Independent Remuneration Tribunal

Determination of allowances for Mayors, Deputy Mayors and Councillors.

1. ABOUT BRIMBANK

Brimbank is located in Melbourne's west and is a large culturally diverse municipality covering twenty five new and established suburbs. There are a few reasonably wealthy suburbs, however Brimbank is mostly made up of suburbs considered to be disadvantaged. Brimbank has a SEIFA score (2016 Census) of 921 with 443 LGAs less disadvantaged¹ and is ranked the second most disadvantaged municipality in metropolitan Melbourne by the ABS².

Brimbank also has a chequered history. The Council was sacked in 2008 and has been managed by Administrators for eight of the past thirteen years, yet some of the factors which led to the sacking in 2008 are still evident today. In particular, third party intervention from state MPs, who appear to have very close personal relationships with Councillors, endorse and assist council candidates affiliated with their political party and in particular (and of significant concern to residents) the current Mayor who was personally endorsed by a State MP at the last Council election and is now, as residents report, seemingly closely collaborating with the State MP on projects which promote the MP and assist her to do her job within her electorate or promote her leading into next year's state election,

2. ROLES OF MAYOR, DEPUTY MAYOR AND COUNCILLORS

2.1 Mayor

Residents accept that the role of the Mayor is as outlined in the Local Government Act 2020, Part 2, Division 3, 18(1). However, much to the great concern and utter dismay of residents, it appears that since elected Councils returned in 2016, state political interference has once again crept in. Brimbank residents want their Councillors, and particularly their Mayor, to be free of any third party interference so that they perform their duties independently and solely with the interests of the ratepayers and residents that they represent in mind, not unrelated third parties, and particularly not government MPs who should be using their own (extensive) resources to support and represent their constituents.

¹ <https://app.remplan.com.au/brimbank-lga/community/wellbeing/seifa-relative-disadvantage?state=gxq1sL!887nSpxLWcdPbreH9awR4sBfVuBb9ibujuAuvuRXA>

² https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA21180



Brimbank Ratepayers & Residents Association, Inc.

[REDACTED]

Additionally, due to the issues highlighted above, residents believe that the Brimbank Mayor does not have the appropriate level of ability or skills to undertake the role of Mayor as identified in the Local Government Act 2020, Part 2, Division 3, 18 (1) (a) to (i). This is very concerning currently for Brimbank residents [REDACTED]

[REDACTED] Residents believe that this may be severely impacting on the ability of the current Mayor to advocate on behalf of the Brimbank community effectively and independently and has also severely diluted confidence within the community. The Mayor currently holds the Advocacy Portfolio, yet there are so many examples of poor advocacy being raised by residents which are negatively impacting on the community, including the Barro Landfill air pollution, the Sunshine Super Hub, Albion station, the Brimbank Aquatic and Wellness Centre lack of State funding, Sydenham Road, Taylors Road and Calder Highway upgrades, to name a few.

A particular concern that Brimbank residents have had and continue to have with their elected Mayors is the lack of transparency which is often evident. In particular, and something that is continually raised by residents is [REDACTED]

[REDACTED] and then provides vague reasons as to why the questions are disallowed. These are real concerns that Brimbank residents often raise and they believe it is not acceptable that they just get 'batted' away because they may be uncomfortable or embarrassing for the Mayor or other councillors to answer. Residents also believe that this conduct may contravene requirements under the Local Government Act 2020 and the Local Government (Governance and Integrity) Regulations 2020 Schedule 1—Standards of conduct Section 4 (2).

Despite Council implementing a comprehensive Public Transparency Policy in 2020 as required under LGA 2020, Part 3, Division 1, 57, questions asked by concerned residents relating to the current Mayor's ability to advocate to the Victorian government on contentious issues, given her close personal relationship with State government MPs, are often not answered based on them being 'defamatory', which is incorrect and unacceptable and potentially contradicts the transparency and good governance requirements under the Local Government Act 2020. The relationship between the Mayor and a State MP is well known with residents observing them posting videos and other content across social media platforms etc., including the MP endorsing the current Mayor as a council candidate at the last election and the Mayor's family working for the state MP, so it's no secret and yet whenever concerned residents ask questions at Council meetings which may hint that [REDACTED]

[REDACTED] This response and lack of transparency and good governance builds discontent within the Brimbank community and could very well be viewed as unacceptable conduct under the Local Government (Governance and Integrity) Regulations 2020.



2.2 Deputy Mayor

Residents accept that the role of the Deputy Mayor is as outlined in the Local Government Act 2020, Part 2, Division 3, 21. However, once again, [REDACTED]

[REDACTED] etc. Given the number of issues which currently exist in Brimbank requiring strong competent advocacy, we would expect that the Deputy Mayor would be able to assist the Mayor on important advocacy issues, but unfortunately that has not occurred in the present Council.

2.3 Councillors

Residents accept that the role of Councillors is as outlined in the Local Government Act 2020, Part 2, Division 5, 28. [REDACTED]

[REDACTED] to advocate effectively for residents or to manage a large business/budget. These include an inability to communicate effectively and competently, public profile, community engagement, ability to lead and influence, commercial and/or financial acumen etc.

Residents report that Brimbank has a few independent Councillors who are currently doing a great job working for the community with one particular standout who is a second term Councillor who engages very well with the community, is very well respected and is strongly advocating and supporting residents severely affected by the Barro Landfill fires which are impacting on residents' health and safety through poor air quality and noise pollution. Given the severity of this issue, as surely nothing is more important to the Mayor and Councillors than the health, safety and wellbeing of Brimbank residents, residents expect that all Brimbank Councillors and particularly the Mayor, would be out there competently and effectively advocating for urgent action, however, residents report that it appears to have been left to just one of the ward Councillors. Residents are also concerned that even the one other Councillor from the same ward affected by the Barro landfill issue has not bothered to attend community forums or show support to these affected residents publicly in any way which is deeply concerning for a proper functioning Council and potentially contravenes the Local Government (Governance and Integrity) Regulations 2020, Schedule 1, Section 2 (d) (Standards of Conduct) which clearly states that in the performance of their role, a Councillor must be *"responsive to the diversity of interests and needs of the municipal community"*, that they represent.

Furthermore, residents have observed that when Councillors are asked questions by residents both at Council meetings and on social media as to why they are not advocating strongly, effectively, and competently for particular projects or issues, the response is often that they are advocating in the background. This response is inadequate and unacceptable and in fact contravenes Council's own Public Transparency Policy and the transparency requirements under the Local Government Act 2020 and it is obvious that these Councillors and the Mayor are not aware of this. It also impacts severely on residents' confidence that Councillors are actually doing their job as this is not always obvious in Council meetings



Brimbank Ratepayers & Residents Association, Inc.

where again residents report that Councillors often don't appear to be across issues, waffle on inexplicably without reference to the issue being discussed, don't raise motions, and appear to make little contribution.

[REDACTED] which is valuable and fundamental to our democracy and what Brimbank residents demand!

3. PURPOSE OF ALLOWANCES

Municipalities such as Brimbank are large businesses which require appropriately qualified and skilled Councillors to manage the business effectively for the good of all ratepayers and residents while always ensuring that rates are kept low, wasteful spending is minimised and accountability is increased.

We as residents believe that the purpose of allowances paid to the Mayor, Deputy Mayor and Councillors is to reimburse them for the time and effort they are putting into managing the municipality as community representatives. There is no doubt that if taken seriously and done properly, a significant amount of work is required by Councillors. Residents report that they have no issues with Councillors and the Mayor and Deputy Mayor receiving suitable compensation for the roles they are required to perform but when they don't competently perform their duties to a satisfactory level, residents don't believe they should continue to be compensated at the highest level possible, as is currently the case.

4. FACTORS TO BE CONSIDERED WHEN ALLOCATING COUNCILS TO ALLOWANCE CATEGORIES

Residents don't believe that the current system of allocating allowances based on population and revenue is adequate. Brimbank falls within Category 3 based on the current criteria which means that allowances are set at the highest range and at the beginning of each term for a four year period. This is despite the fact that Brimbank has many suburbs within it which are considered underprivileged with a third of residents earning under \$500 per week, which is less than one third the average weekly salary for males (\$1,770.30)³ and over 30,000 residents (approximately 15% of the population) living on social security in the form of an aged pension or Newstart allowance.⁴

Furthermore, residents have observed that Brimbank Councils seem to always set the allowances at the top end of the set range, with little to no regard or consideration of the underprivileged nature of the municipality they are managing.

Residents consider the current range of allowances to be appropriate and reflect the time and commitment required to perform the duties effectively. However, residents strongly feel that additional criteria needs to be incorporated to consider the demographic and wealth profile of the municipality and to ensure Councillors/Mayor/Deputy Mayor actually have the skills and ability to perform those required duties they are being paid for and that they do so consistently for the entire term. Residents propose that an annual review of performance by the Mayor and Councillors be implemented to encourage them to meet that required performance level on behalf of the residents.

³ <https://www.abs.gov.au/statistics/labour/earnings-and-work-hours/average-weekly-earnings-australia/latest-release>

⁴ <https://dbr.abs.gov.au/region.html?lyr=sa3&rgn=21301>



5. SUPERANNUATION

Brimbank Councillors and Mayor already receive an amount equivalent to the Superannuation Guarantee Contribution (10% for 2021/22) above their allowances. This means in the case of the Mayor, an additional amount of \$10,000 is paid and for each Councillor an additional amount of \$3,444.40 is paid for superannuation. Residents would prefer that the allowances paid are inclusive of superannuation particularly given that Brimbank Councillors and Mayor currently receive allowances within the highest Category 3 and pay themselves at the highest end within that category.

6. PROPOSAL TO ADDRESS ALLOWANCES PAID

Residents support and believe it is imperative that allowances are reviewed annually, based on set KPIs for each Councillor, the Mayor and Deputy Mayor. It is important in the service of the public to incorporate and consider individual skills and qualifications, ability to effectively and competently communicate, engage with the community, advocate for the municipality, success in managing their respective portfolios, commercial and financial acumen and in the case of the Mayor, to effectively and competently garner respect within the community, lead and influence.

Residents believe if these additional criteria were incorporated in the setting of allowances, municipalities such as Brimbank would attract a higher calibre of Councillors that are qualified to perform these duties. Additionally, the Mayor/Deputy Mayor positions would more likely be filled by Councillors who possessed the skills and qualifications to perform these duties due to an increased level of scrutiny, rather than appointment by political parties as a reward.

At present there are many Brimbank residents who have spent years advocating for specific causes/issues/groups within the municipality with proven success and desire to work tirelessly for the Brimbank community without any personal gain. These people have the integrity, skills and qualifications to be excellent community advocates on Council, however Brimbank residents often lament that because they don't belong to a political party, they do not get the opportunity to do so and the entire Brimbank community is worse off because of that.

Residents propose that a **Resident's Oversight Group** be established, which would include the Council CEO, and other appropriate Council officers such as the HR manager, for example, business and community leaders, ratepayer and resident associations etc., that could oversee the annual allowance process and measure previous year's performance based on set criteria. This criteria by which councillors and the mayor could be measured against could include (but is not limited to) the following:

- Residents and ratepayers' feedback – conduct annual online survey.
- Number of Council meetings attended/missed.
- Number of motions put to Council.
- Number of community group meetings attended.
- Management and performance at Council meetings, including transparency, response to community questions and willingness to share information with the community.
- Achievement of set KPIs, including budget management.
- Level of advocacy and community engagement, including through social media platforms.



Brimbank Ratepayers & Residents Association, Inc.

- Ability to source appropriate funding for infrastructure projects.
- Understanding and adherence to relevant legislation, including Council policies, Local Government Act 2020 and 1989, Equal Opportunity Act 2010, the Local Government (Governance and Integrity) Regulations 2020 and the Victorian Charter of Human Rights and Responsibilities Act 2006.
- Independence from third parties, such as political parties and state or federal Members of Parliament.

7. FINANCIAL IMPACT OF VARYING ALLOWANCES VALUES FOR COUNCIL MEMBERS

Residents don't believe that an increase in allowances can be justified at this time and would strongly advocate against any increase.

As already stated, Brimbank is not a wealthy municipality. Additionally, Brimbank has been disproportionately affected by Covid19, both in terms of the number of residents who have caught the disease and also from the numerous lockdowns and restrictions which have destroyed businesses, jobs and livelihoods.

Furthermore, Brimbank does not receive the level of state government funding for infrastructure projects which other municipalities currently enjoy. For example, the Brimbank Aquatic & Wellness Centre has attracted approximately \$2 million in Victorian government funding towards this project, estimated to cost in excess of \$60 million. Compare this to Victorian government funding of \$46 million towards the Gippsland Aquatic Centre (total cost \$57 million). This means that ratepayer funds will be overwhelmingly utilised to finance this aquatic centre, and there is no doubt that increased rates and/or less services will result. So if Brimbank ratepayers and residents cannot rely on their Councillors and Mayor to advocate successfully and source appropriate funding for infrastructure projects, in line with other municipalities, we certainly cannot support an increase in the payment of allowances to these Councillors and Mayor.

Due to these factors, residents don't believe that an increase in allowances paid to Brimbank Councillors and the Mayor/Deputy Mayor can be justified at this time.

Brimbank Ratepayers & Residents Association, Inc.