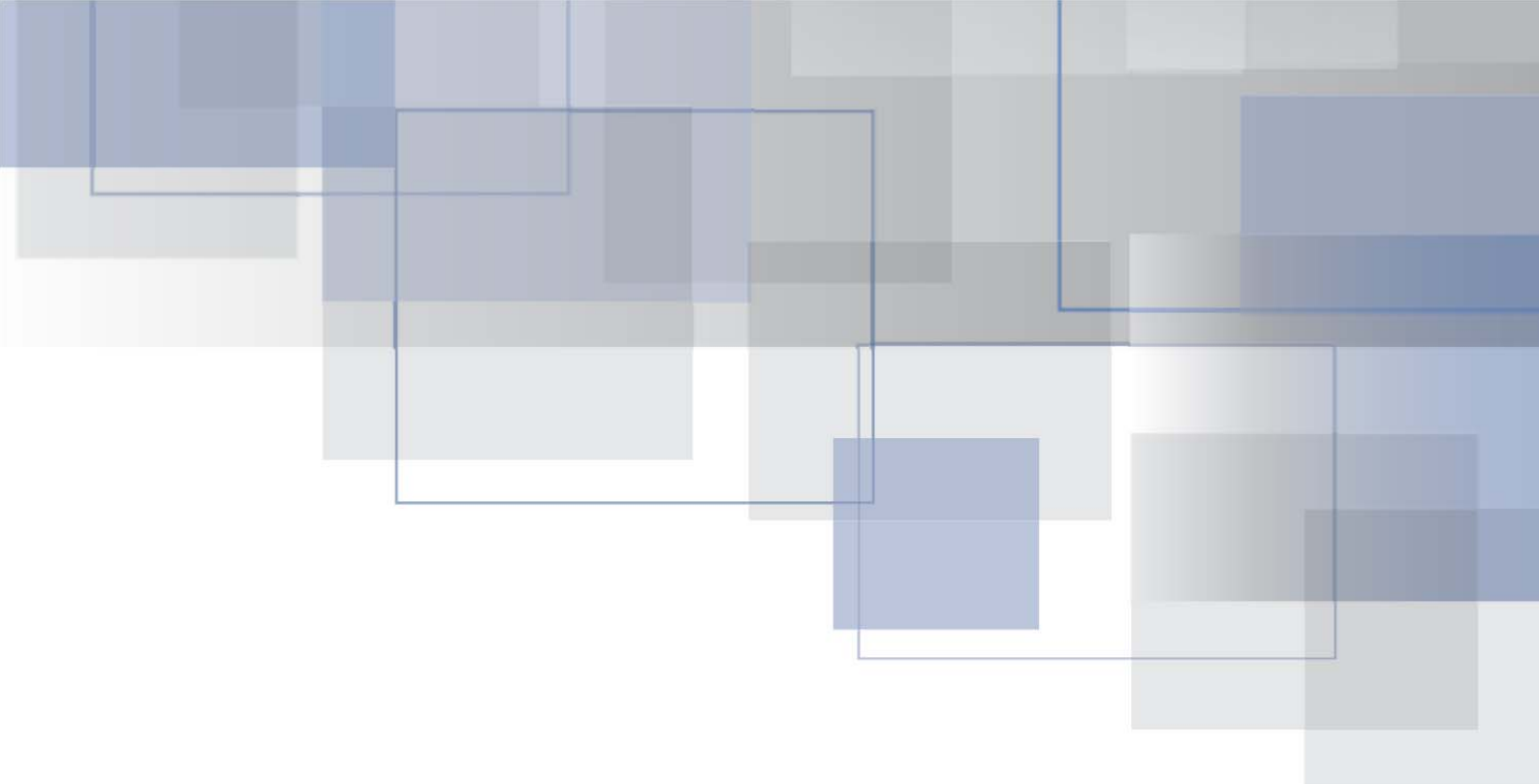


# AUSTRALIAN MAYORS: What Can and Should They Do?

A discussion paper

*September 2012*





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Graham Sansom  
September 2012

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## Preface

One of the most important objectives of the Australian Centre of Excellence for Local Government (ACELG) is to support informed debate on key policy issues. We recognise that many councils and other local government organisations are not always able to undertake sufficient background research to underpin develop sound, evidence-based policy. ACELG's working paper series seeks to address this deficit.

This paper on the changing role of mayors, and how that role might be strengthened, seeks to fill one of several significant gaps in research and discussion of political governance in Australian local government. It reviews relevant literature and recent developments in Australia, New Zealand and the UK, and concludes that if local government is to perform effectively and meet growing community expectations, the capacity of its political arm needs to be enhanced. In that regard, the office of mayor seems a good place to start. The final section of the paper thus sets out a suggested framework of mayoral functions and associated legislative provisions to support an enhanced role.

This paper complements the recent ACELG paper *Political Management in Australian Local Government: Exploring Roles and Relationships between Mayors and CEOs* written by Chris Aulich and John Martin, as well as new research being led by the UTS Centre of Local Government (CLG) which covers different dimensions of political governance.

Research for this paper involved wide-ranging interviews and consultations with mayors, chief executives, government officials and stakeholder representatives in all three countries. The contributions of all those involved are gratefully acknowledged. Thanks are also due to Su Fei Tan of the UTS Centre for Local Government, who undertook some of the background research; and to Nancy Ly, also of UTS:CLG, who formatted the final report.

Special mention must also be made of the two partner organisations that supported the project:

- The Commonwealth Secretariat which provided travel funds for two visits to the UK
- The Victoria University of Wellington, New Zealand, which awarded me the 2011-12 Don Trow Fellowship in the Centre for Accounting, Governance and Taxation Research – much of the research and writing of this paper was completed during visits to VUW.

As always, ACELG welcomes comment on this paper. We would also appreciate input from local government practitioners and other stakeholders regarding policy areas that should be researched in the future. In both cases, please contact our Research Program Manager:

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## Executive Summary

Recent decades have seen significant developments in the role of mayors across the world. These developments have mirrored the widening international discourse on local governance and civic leadership, and are part of broader changes sweeping through local government.

Australian local governments have been subject to wide-ranging reforms that have addressed structure and efficiency, strategic planning, asset and financial management, community engagement and accountability, and corporate governance. However, little attention has been given to how the intended direction of such reforms interacts with frameworks for political and community governance. This contrasts markedly with the consistent focus on trends in local politics evident in the United States, United Kingdom and Europe. In those countries particular attention has been given to the importance of mayors as civic leaders, and there has been extensive debate about, amongst other things, how the role of mayors should be structured and evolve, as well as the relative merits of different models of governance.

This paper seeks to fill that gap – at least in part. It builds on recent practice and debate in Australia, New Zealand and England to explore a possible Australian model for what might be described as a ‘semi-executive’ mayor: one with more responsibilities and greater authority than is generally the case at present, but who remains subject to a ‘separation of powers’ between the political realm of policy and strategy on the one hand, and the management realm of administration and program implementation on the other.

What emerges strongly from both the literature and international discourse is a perceived need for what has been described as local ‘facilitative leadership’ or ‘place-based leadership’ grounded in local government and, in particular, the office of mayor. It is argued that more effective civic leaders are required in order to, among other things:

- Engage the community and other local stakeholders in formulating a strategic vision and supporting plans
- Secure political support within the body politic for the adoption and concerted, consistent implementation of strategic plans and associated budgets
- Maintain ongoing partnerships with others involved in implementation, especially sound inter-government relations in which the local voice is heard and respected.

In Australia, specification of the responsibilities and authority of mayors varies greatly both within and between the states and Northern Territory, but apart from Queensland, attitudes to the role of mayors could fairly be described as ambivalent. There is an apparent reluctance to institutionalise strong local leadership through the office of mayor, and only in Tasmania, Western Australia and the City of Adelaide are mayors specifically tasked with that responsibility. However, recent legislation to further enhance the role and authority of Queensland mayors, and to introduce a directly (popularly) elected mayor for the City of Geelong in Victoria, appear to reflect a growing belief that more effective civic leadership is needed, and can be seen as emblematic of a broader shift in that direction.

Such developments echo moves in New Zealand and the UK, where popularly elected mayors with significantly increased responsibilities have been introduced in Auckland and a number of English

cities. The New Zealand government has announced plans to extend the Auckland model to all mayors across the country, giving them the authority to appoint deputy mayors, to establish committees and to approve committee chairpersons, and to exercise leadership over the development of plans, policies and budgets.

The final section of this paper outlines a legislative framework that might be applied in Australia to enable mayors to exercise facilitative, place-based leadership. It suggests a set of principal mayoral functions and prerogatives, and legislative provisions that would give effect to them. Where possible, those provisions draw on an existing Australian local government Act.

The indicative framework reflects a conclusion that the functions of mayors – who are already generally acknowledged as the principal member of their councils – should be updated and re-codified to match other changes that have occurred in Australian local government. Except in Queensland, the structures and norms of political governance have largely failed to keep pace with the expanded functions of local government, and especially the growing expectation that councils will act more strategically to reflect and represent the needs and aspirations of their communities, and to ensure sound management of community assets. These goals cannot be achieved unless the political arm of local government has the capacity to discharge its responsibilities effectively alongside those of management. To build that capacity, the office of mayor seems a good place to start.

## 1. Introduction

Recent decades have seen significant developments in the role of mayors across the world. For example, legislation has provided for mayors with substantial executive powers in both England and South Africa; in New Zealand, the mayor of the new Auckland 'super city' has been given considerably increased responsibilities and authority than his counterparts across the rest of the country; whilst in Australia there is some evidence of a trend towards 'stronger' mayors and there have been specific legislative amendments in two states that reflect emerging ideas on this issue.

This paper explores a possible model for what might be described as a 'semi-executive' mayor: one with more responsibilities and greater authority than is generally the case at present, but who remains subject to a 'separation of powers' between the political realm of policy and strategy on the one hand, and the management realm of administration and program implementation on the other. It focuses primarily on the Australian context, but with reference also to recent practice and debates in England and New Zealand. It draws on literature, case studies and interviews with mayors<sup>1</sup>, senior local government managers and commentators in each of the three countries.

Australian local governments have been subject to wide-ranging reforms, mostly imposed or urged by state governments, but also flowing from federal initiatives and in several instances, local government itself. Reforms have addressed structure and efficiency (amalgamations, regional collaboration and resource sharing); aspects of the New Public Management (separation of powers between the body politic and management, councillors as a 'board of directors'); strategic and corporate planning (preparation of long term strategic plans and 'delivery programs', improved asset and financial management; workforce plans); greater community engagement and accountability (in part through community-focused and place-based strategic planning); and corporate governance (probity, risk management).

However, little attention has been given to how the intended direction of these reforms – especially the pursuit of efficiency, effectiveness and community engagement through strategic and corporate planning – interacts with frameworks for political and community governance. Changes to local government Acts over the past two decades have largely adopted (and adapted) the managerialist provisions of equivalent New Zealand legislation. There, too, the issue of political governance appears to have received scant attention, at least until the recent creation of the Auckland 'super city' (see below).

This contrasts markedly with the consistent focus on trends in local politics evident in the United States, United Kingdom and Europe. In those countries particular attention has been given to the role of directly-elected mayors, and there has been extensive debate about, amongst other things, how the role of mayors should be structured and evolve, as well as the relative merits of different models of governance (e.g. Svava 2006, Borraz and John 2004).

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<sup>1</sup> Nine semi-structured interviews were conducted with mayors and former mayors, along with numerous informal discussions.

## 2. Governance, Planning and Leadership

Recent trends in the election and role of mayors have reflected the widening international discourse on local governance and civic leadership, and are part of broader changes sweeping through local government. These include the increasing emphasis on *governance* as opposed to *government*; introduction of new forms of strategic and corporate planning; the growing importance of closer engagement with a broad range of stakeholders – notably local communities, nearby councils and central governments; and the perceived need for stronger political and community leadership. There is now an extensive literature on these issues: what follows is a brief summary of some key themes that are taken up in the following section of this chapter.

In Australia, an early discussion of local and community governance was provided by Sproats (1997) in a paper responding to regional planning issues in inner Sydney. Sproats argued that the ‘largely instrumental reform agenda’ of the time – focused on local government’s role as a service deliverer, efficiency and effectiveness in achieving outcomes, performance excellence and value for money – needed to be balanced by “engagement of an informed citizenry in collectively solving community problems” (ibid: 3). Better local management should thus be matched by better local governance, with greater emphasis on local people and social as well as physical and financial capital. Sproats applied Osborne and Gaebler’s (1993: 24) definition of community governance as “the process by which we collectively solve our problems and meet our society’s needs.” His ideas are summarized in Figure 1.

**Figure 1: Sproats’ components of local governance reform**



*Source: Modified from Sproats (1997: 5)*

More recent thinking about governance has focused on the increasing fragmentation of public and democratic institutions that has occurred as a result of more dispersed and competitive service delivery (Borraz and John 2004: 110); and on the fact that governments no longer possess the authority, skills and resources needed to address all the complex issues and problems facing modern societies, especially in a globalised world. Hambleton (2011: 13) thus argues that ‘governance’:



... involves government *plus* the looser processes of influencing and negotiating with a range of public and private sector agencies to achieve desired outcomes. A governance perspective encourages collaboration between the public, private and non-profit sectors... Whilst the hierarchical power of the state does not vanish, the emphasis in governance is on steering, influencing and co-ordinating the actions of others.

This view of governance in turn highlights the importance of partnerships, planning and leadership. Collaboration – partnerships – requires a foundation, a basis for agreement on what needs to be done and how to go about achieving agreed objectives: in other words, a plan. At the local level, the tenets of urban and regional planning, environmental conservation and the New Public Management were already being applied in the latter years of the 20<sup>th</sup> Century to require councils to prepare a range of strategic and corporate plans. It was a short step to apply such planning concepts to a partnership approach to governance, thus giving rise to mechanisms such as long-term ‘whole of community’ and ‘whole of government’ strategic plans, and multi-sector partnerships (e.g. New Zealand’s Long Term Council-Community Plans and ‘Community Outcomes’ process; South Africa’s Integrated Development Plans; Community Strategic Plans in New South Wales; Local Strategic Partnerships in the UK).

What emerges strongly from all these models is the need for what has been described as local ‘facilitative leadership’ (Stoker et al 2008) in order to:

- Engage the community and other local stakeholders in the planning process
- Negotiate with central government agencies and neighbouring local governments
- Secure political support within the council for the *adoption and concerted, consistent implementation* of strategic plans and associated budgets
- Maintain ongoing partnerships with others involved in implementation, especially sound inter-government relations in which the local voice is heard and respected.

#### Box 1: Indicators of good political leadership

- **Articulating a clear vision for the area**  
Setting out an agenda of what the future of the area should be and developing strategic policy direction. Listening to local people and leading initiatives.
- **Promoting the qualities of the area**  
Building civic pride, promoting the benefits of the locality and attracting inward investment.
- **Winning resources**  
Winning power and funding from higher levels of government and maximising income from a variety of sources.
- **Developing partnerships**  
Successful leadership is characterised by the existence of a range of partnerships, both internal and external, working to a shared view of the needs of the local community.
- **Addressing complex social issues**  
The increasingly fragmented nature of local government and the growing number of service providers active in a given locality means that complex issues that cross boundaries, or are seen to fall between areas of interest, need to be taken up by leaderships that have an overview and can bring together the right mix of agencies to tackle a particular problem.

- **Maintaining support and cohesion**  
Managing disparate interests and keeping people on board are essential if the leadership is to maintain authority.

*Adapted from Hambleton, R. and Bullock, S. (1996), Revitalising Local Democracy – The Leadership Options. London: Local Government Management Board.*

Hambleton (2011) has added the notion of ‘place-based leadership’. This refers to the importance of concerted action by a range of players at the local level to counter-balance potential adverse impacts of ‘place-less’ leadership: globalised corporations and central governments that may care little for community wellbeing and the qualities of local places. He has also (Hambleton 2009: 538) set out indicators of good political leadership that draw together the various concepts of governance and leadership outlined above (Box 1).

A further consideration is how the different players in local governance each contribute to civic leadership. Hambleton (2009: 522-523) argues that civic leadership comprises three important groups: political (elected), managerial, and community (civil society) leaders. Managerialist approaches, such as those underlying the allocation of responsibilities to elected councillors and senior managers in most Australian local government Acts, tend to underplay the importance of political leaders and cast civil society as the recipient of services, rather than an important contributor to local leadership. However, as Sproats (1997: 8-9) makes clear, whilst management and leadership should be complementary, the central tenets of the two are quite different. Managers may be good leaders, but the skills of community leadership – even when exercised in part by managers – are inherently political (see Figure 2).

**Figure 2: Comparing management and leadership**

Management	Leadership
Plans and budgets	Vision and strategy
Organising and staffing	Communicating and aligning
Controlling and problem-solving	Motivating and inspiring
Minimising risk	Taking risks

*Source: based on Sproats (1997: 9)*

This leads to the question of whether a ‘separation of powers’ between elected councillors and managers is meaningful and appropriate in the local government context. Provisions to enforce such separation are also prevalent in recent legislation and again flow from New Public Management thinking – the idea that elected members should set policy and strategy and monitor performance, whilst management should be otherwise left alone to deal with implementation of policy and plans and service delivery. It is debatable whether such an approach is either workable or desirable in terms of a substantial number of the functions of local government, given the often fine line between policy and practice, the small scale of many authorities, the representative role of elected

members, and the valuable skills at least some of them can offer (e.g. Munro 2000, Sansom 2001, Svava 2006a). Hambleton (2009: 532-533) provides a brief overview of recent research on this issue and describes the idea of a sharp separation of roles between politicians and officers as a 'longstanding myth'. Following Peters (1995), he suggests that the "dichotomy idea shields administrators from scrutiny and serves the interest of politicians who can pass responsibility for unpopular decisions to administrators."

### 3. Australian context and practice

Australia currently has around 560 local councils: the count varies slightly depending on whether or not some non-elected special purpose bodies are also included. Over time the total number of councils has fallen dramatically due to amalgamation and/or restructuring of local government areas. This trend accelerated over the past two decades, as shown in Table 1.

**Table 1: Changing numbers of local governments in Australia**

	1910	1967	1982	1990	2000	2008
<b>New South Wales</b>	324	224	175	176	174	152
<b>Victoria</b>	206	210	211	210	78	79*
<b>Queensland<sup>†</sup></b>	164	131	134	134	157	73
<b>South Australia</b>	175	142	127	122	68	68
<b>Western Australia</b>	147	144	138	138	142	142 <sup>‡</sup>
<b>Tasmania</b>	51	49	49	46	29	29
<b>Northern Territory<sup>^</sup></b>	0	1	6	22	69	16
<b>Total</b>	1,067	901	840	848	717	559

\* There has been one de-amalgamation since 2000.

† Queensland numbers before 2000 exclude Indigenous community councils established under separate legislation; by 2008 these had been included in the ‘mainstream’ system.

‡ Since reduced to 139 through voluntary amalgamations.

^ Figures to 2000 include Indigenous community councils; in 2008 most of these were abolished and replaced with large ‘shires’, each incorporating several small communities.

Sources: Chapman, R (1997); DOTARS (2001); May, P (2003); State local government department websites.

Until the turn of the 21<sup>st</sup> century, moves to create larger local government units were typically associated with a focus on efficiency and a search for economies of scale. However, during the past decade increasing emphasis has been placed on the potential for larger units to improve the capacity and viability of councils and to strengthen their role in the wider system of government.<sup>2</sup> This was the main justification for the widespread restructuring that took place in Queensland in early 2008 (Local Government Reform Commission 2007). It reflects the developmental challenges facing all governments, and a growing expectation that local government will contribute to the achievement of national and state-level policy goals, such as regional development, addressing climate change, reducing Indigenous disadvantage etc.

Since the late 1970s the federal government has been the largest external provider of funding for local government, and there has been progressively closer engagement between the two. Local government is now represented on the peak federal forum, the Council of Australian Governments, alongside the federal government, states and territories. It also has a seat in a number of inter-government ministerial councils dealing with different aspects of public policy. Similar high-level policy engagement with local government can also be found in some states. This implies a need for more capable local governments that can make a substantial contribution to tackling complex local, regional and inter-government agendas, and for political governance to underpin that capacity.

<sup>2</sup> For an overview of these issues, see Aulich et al (2011)

As noted earlier, a great deal of attention has been given to what these changing expectations of local government might mean in terms of structures, strategic planning and various aspects of corporate management, but the need for new approaches to political governance has received little consideration. In this respect, as in many aspects of local government, the Australian scene is marked by enormous diversity: ratios of electors to councillors vary greatly (and in more populous local government areas are often amongst the highest in the world); councillors may be elected ‘at large’ or by wards (local electoral divisions); the number of councillors per ward may be one, two, three or more; elections may be conducted for the whole council every four years, or for half the councillors every two years; voting may be compulsory or optional, in person or by post; mayors and deputy mayors may be elected directly by all voters, or indirectly by and from the councillors; the term of mayors varies from one to four years; the legislated role of a mayor may be largely ceremonial or semi-executive; and so on.

### Election and Role of Mayors

The Attachment to this paper provides details on how mayors (and their equivalents) are elected in each state and the Northern Territory, as well as their designated roles and responsibilities and how they relate to those of the other councillors. Table 2 presents a summary of key points.

Substantial variations are evident in the way mayors are elected and the roles they are expected to play both between and within states.<sup>3</sup> In Queensland and Tasmania, plus urban areas of the Northern Territory and most of the central capital cities, mayors must be directly elected. In NSW, South Australia, Western Australia and the rest of the Northern Territory local councils or their electors can choose between popular and indirect election – but only in South Australia has a large proportion favoured popular election. In Victoria legislation generally specifies indirect election and only two councils – the central capital city of Melbourne and the large regional centre of Geelong – have directly elected mayors. Thus popular election is compulsory or available by choice in all states except Victoria, but operates in less than 40% of all Australian councils.

**Table 2: Election and role of Australian mayors**

State or Territory	Method of Election and Term	Designated Role
<b>New South Wales</b>	<ul style="list-style-type: none"> <li>▪ Mayors may be directly or indirectly elected (Sydney Lord Mayor must be directly elected)</li> <li>▪ Local referendum required to introduce popular election</li> <li>▪ Popular election is for the full 4-year term of the council; indirect election takes place annually</li> <li>▪ Less than 20% are directly elected.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Principally that of chairperson plus civic/ceremonial duties</li> <li>▪ Policy role if required between council meetings</li> <li>▪ Councillors collectively direct council affairs and provide civic leadership</li> <li>▪ Council may delegate additional functions.</li> </ul>
<b>Northern Territory</b>	<ul style="list-style-type: none"> <li>▪ Mayors of municipal (urban) councils are directly elected</li> <li>▪ Presidents of rural shires may be either directly or indirectly elected.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chairperson and civic/ceremonial duties, plus ‘principal representative’ and spokesperson of the council</li> <li>▪ Councillors collectively direct council affairs and provide civic leadership.</li> </ul>

<sup>3</sup> Henceforth ‘states’ should be read to include the Northern Territory

<p><b>Queens-land</b></p>	<ul style="list-style-type: none"> <li>▪ All Mayors are directly elected for the full 4-year term of the council.</li> </ul>	<p>Semi-executive role plus civic and ceremonial duties:</p> <ul style="list-style-type: none"> <li>▪ leading and managing meetings.</li> <li>▪ proposing the adoption of the budget</li> <li>▪ liaising with the chief executive officer on behalf of the other councillors</li> <li>▪ leading, managing, and providing strategic direction to, the chief executive officer</li> <li>▪ ensuring provision of information to the Minister about the local government area</li> <li>▪ Lord Mayor of Brisbane has additional executive responsibilities.</li> </ul>
<p><b>South Australia</b></p>	<ul style="list-style-type: none"> <li>▪ Mayor/Chairperson either directly elected for the full 4 year term of the council, or indirectly elected for up to 4 years</li> <li>▪ Council decides which method to adopt</li> <li>▪ Almost three quarters are directly elected.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Preside at meetings, principal spokesperson of the council, civic and ceremonial duties</li> <li>▪ If requested, provide advice to the chief executive officer on the implementation of council decisions</li> <li>▪ Councillors collectively direct council affairs and provide civic leadership</li> <li>▪ Council may delegate additional functions</li> <li>▪ Lord Mayor of Adelaide has additional executive responsibilities.</li> </ul>
<p><b>Tasmania</b></p>	<ul style="list-style-type: none"> <li>▪ All Mayors and Deputy Mayors are directly elected for 2-year terms (half the Councillors are elected every 2 years)</li> <li>▪ If no nomination, the Councillors elect one of their number.</li> </ul>	<p>Substantial leadership role:</p> <ul style="list-style-type: none"> <li>▪ leader of the community of the municipal area</li> <li>▪ chairperson and spokesperson of the council</li> <li>▪ liaise with the general manager on the activities of the council and its performance</li> <li>▪ oversee the councillors in their functions.</li> </ul>
<p><b>Victoria</b></p>	<ul style="list-style-type: none"> <li>▪ Nearly all Mayors are indirectly elected for a term of up to 2 years</li> <li>▪ Mayors of Melbourne and Geelong are directly elected for 4 years.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chairs council meetings and takes precedence at all municipal proceedings within the municipal district</li> <li>▪ No other functions are specified for either the Mayor or Councillors</li> <li>▪ Melbourne City Council may delegate limited additional powers to the Lord Mayor.</li> </ul>
<p><b>Western Australia</b></p>	<ul style="list-style-type: none"> <li>▪ Mayor or President is either directly or indirectly elected</li> <li>▪ Council may decide to move to popular election</li> <li>▪ Local referendum required to go back to indirect election</li> <li>▪ Lord Mayor of Perth must be directly elected.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Presides at meetings and speaks on behalf of the local government</li> <li>▪ Liaises with the CEO on the local government's affairs and the performance of its functions</li> <li>▪ Civic and ceremonial duties</li> <li>▪ Councillors collectively provide leadership and guidance to the community.</li> </ul>

The role of mayors – as defined by legislation – is clearly strongest in Queensland, where all mayors are directly elected and voting is compulsory. The Queensland local government Act was amended in 2009, following widespread amalgamations of local government areas, to extend to all mayors a modified version of the established powers and responsibilities of the Lord Mayor of Brisbane (Australia's largest council with a population in excess of 1 million). The Lord Mayor's powers are truly executive in nature; they include:

- implementing the policies adopted by the council, and developing and implementing other policies

- leading *and controlling* (emphasis added) the business of the council
- preparing a budget to present to the council
- leading, managing, and providing strategic direction to the chief executive officer in order to achieve high quality administration of the council
- directing the chief executive officer and senior contract employees of the council.

A number of very high profile politicians have occupied the position of Lord Mayor. The stature and significance of the office may be judged by the recent selection of the then incumbent to lead the state's opposition party – even without first becoming a member of parliament.<sup>4</sup> Whilst the powers given to other Queensland mayors are significantly weaker, they do provide a platform for much stronger civic leadership than applies across the rest of Australia.<sup>5</sup> This is reinforced by the popular mandate enjoyed by Queensland mayors, and in many cases the relatively large size and budgets of the local governments they lead.

Tasmania is the only other state where legislation gives all mayors an added degree of authority within the body politic. Again, all mayors are directly elected, but voting is optional. Section 27 of the Local Government Act requires Tasmanian mayors, amongst other things, to:

- act as a leader of the community of the municipal area
- liaise with the general manager on the activities of the council and the performance of its functions and exercise of its powers
- oversee the councillors in the performance of their functions and in the exercise of their powers.

As in Queensland, their personal mandate is significant, although restricted by the generally small scale and limited resources of local government in Tasmania.

Elsewhere in Australia, local government Acts typically confine the prerogatives of the mayor to presiding at council meetings, having the right to sit on any committee, and carrying out civic and ceremonial duties, such as citizenship ceremonies. This applies whether mayors are directly or indirectly elected. Moreover, only in NSW, South Australia and the City of Melbourne do councils have an explicit power to delegate additional functions to the mayor. In practice, however, mayors may play a significantly greater role than the legislation implies.

Firstly, the mayors of the seven 'capital city' councils<sup>6</sup> in Australia's metropolitan regions are well known, high profile figures and to varying degrees exercise power or influence significantly greater than indicated by the relevant provisions of the local government Act – even in the case of Brisbane where the mayor's legal powers are already considerable. This reflects their personal mandates – all are directly elected – as well as the importance of their councils as home to the country's major business centres and public facilities of state and sometimes national importance. The Lord Mayors of Sydney and Melbourne are especially prominent, although lacking specific powers under the relevant Acts. The NSW local government Act does not give the Lord Mayor of Sydney any executive authority, although as noted above the council may delegate specified functions. Current

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<sup>4</sup> Subsequently he led the opposition to victory in the 2012 State election and is now premier.

<sup>5</sup> And the Queensland government has indicated that it will bring forward legislation to further strengthen mayoral powers.

<sup>6</sup> Brisbane, Sydney, Melbourne, Hobart, Adelaide, Perth, Darwin. Except for Brisbane, these councils cover only the central business district and, to varying degrees, adjoining inner suburbs.

delegations are quite extensive and confer what might be described as semi-executive status (see Box 2). In addition, the Lord Mayor is ex officio chair of the Central Sydney Planning Committee (a joint committee of the council and the state government).

**Box 2: Examples of council delegations to the Lord Mayor of Sydney**

(to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time)

- Exercise, during recesses of council, the powers, authorities, duties and functions of council other than those reserved to the council itself under the Local Government Act or delegated to the Chief Executive Officer by council resolution
- Direct the Chief Executive Officer, except as otherwise provided by the Local Government Act
- Negotiate and settle terms of a contract of employment with the Chief Executive Officer
- Review, approve and implement governance and accountability structures and processes for the performance of the organisation, and oversee the performance of the Chief Executive Officer
- Suspend the Chief Executive Officer at short notice and, only after prior consultation with councillors, terminate the Chief Executive Officer's employment
- Make changes to the organisational structure which the Lord Mayor reasonably considers to be minor changes
- Approve all expenditure from contingency funds (excluding the Chief Executive Officer's contingency fund) provided it is within the terms of the budget adopted by council, and after consultation with the Chief Executive Officer
- Call and schedule meetings of council and committees
- Approve all press statements and publications issued on behalf of council, unless council determines otherwise
- Determine who should represent council on external organisations and committees and inter-agency working parties, and at civic ceremonial and social functions
- Determine to whom civic awards and honours such as keys to the city and honorary citizenship should be presented
- Direct that council's internal auditor carry out a review or audit
- Obtain direct and independent advice (including legal advice) relevant to council functions
- In respect of the Office of the Lord Mayor, determine the structure, allocate expenditure, and direct staff and allocate tasks in consultation with the Chief Executive Officer.

*Source: City of Sydney Delegations to the Lord Mayor, current at August 2012*

In the case of Melbourne, the council's power to delegate additional responsibilities to the Lord Mayor is limited by the City of Melbourne Act to:

- the appointment of councillors to chair committees
- the appointment of councillors to represent the council on external organisations, committees and working parties
- councillors' travelling arrangements and expenses.



Compared to other South Australian mayors, the City of Adelaide Act gives two additional responsibilities to the Lord Mayor “as the principal elected member of the Council representing the capital city of South Australia.” These include a unique (in Australia) reference to inter-government relations:

- to provide leadership and guidance to the City of Adelaide community
- to participate in the maintenance of inter-governmental relationships at regional, State and national levels.

Secondly, there are many other mayors across Australia who, regardless of their method of election, exercise considerable authority and provide forceful leadership, irrespective of the precise wording of legislation. This may be as the strong leader of a dominant party-political or other grouping of councillors, or by dint of their personal qualities and acknowledged skills and experience. Some have occupied the position of mayor for a decade or more.

A third significant factor is the emergence of influential groupings of mayors. Two stand out: the Council of Capital City Lord Mayors (CCCLM) and the South East Queensland (SEQ) Council of Mayors. CCCLM has a small secretariat based in Canberra, and represents the seven councils mentioned above, plus the government of the Australian Capital Territory.<sup>7</sup> It also includes a few large regional cities as ‘associate’ members. CCCLM’s origins date back to 1957 and it adopted its current name in 1982. Its mission is political and inter-governmental: “To provide national leadership for the effective co-ordination and representation of the special interests of the Capital Cities of the Australian States and Territories, especially in their relations with other spheres of government.” In particular, CCCLM has sought to develop a close relationship with the federal government on matters of urban policy. In that regard, it is to some extent a rival of local government’s ‘official’ peak national organisation, the Australian Local Government Association, which is a joint body of the seven state and territory associations.

The Council of Mayors (SEQ) was established in September 2005. It covers Australia’s fastest growing metropolitan region centred on Brisbane, comprising eleven local government areas with a combined population of around 2.7 million. The organisation is chaired by the Lord Mayor of Brisbane, and most of its members are high profile mayors of (by Australian standards) very large councils: South East Queensland contains Australia’s four most populous councils. Like CCCLM, the primary goal of the Council of Mayors is political: to influence federal and state government policy and funding priorities, and it plays a significant role in inter-government relations.

Nevertheless, despite developments such as the changes to the Queensland local government Act, the ascension of the former Brisbane Lord Mayor to the position of premier, and the high profile of a number of other mayors and organisations like CCCLM and the Council of Mayors (SEQ), there has been minimal discussion about the status and role of mayors and how that role appears to be changing. To some extent this may reflect an assumption on the part of most people that mayors already exercise considerable authority: this would be reinforced by popular election and the regular appearances of prominent mayors in the media – both locally and statewide or nationally – when major events take place, important projects are announced, or communities suffer distress, such as natural disasters.

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<sup>7</sup> The ACT is a ‘city-state’ with no separate local government for the city of Canberra.

However, one recent issue that did generate considerable debate was the move by the state government of Victoria to legislate for popular election of the mayor of Geelong, Victoria's largest regional city with a population of around 220,000. The government issued a discussion paper in March 2011 proposing a directly elected mayor on the grounds that (DPCD 2011a: 2):

- Allowing the voters of Greater Geelong to directly elect their mayor will recognise the state and regional significance of the city
- A directly elected mayor will have a high public profile and clear public endorsement, and this allows him or her to provide strong leadership for the council and the community
- A mayor elected for the full four year term of the council can also contribute to providing stability of government for the city.

The proposal attracted considerable public and media interest, and 65 written submissions were made in response to the discussion paper – 55 from individuals and 10 from organisations. According to the state government's summary of submissions, 45 favoured a directly elected mayor "in some form", 18 were opposed and 2 did not express a clear view (DPCD 2011b: 2). However, a clear majority opposed direct election of the deputy mayor.

Business groups strongly supported a directly elected mayor. In its submission, the Geelong Chamber of Commerce (2011: 4-5) also set out what it regarded as the key expectations of the mayor in office. These included:

- setting up an effective governance structure and presiding over decision-making
- managing the councillors and building a cohesive team
- providing motivation and leadership to the administration to convey a strong sense of what is important (but not managing the staff which is the chief executive officer's role)
- effectively positioning the council in its strategic relationships with federal and state governments, key agencies and institutions, community organisations and stakeholders
- bringing people together around a specific vision for the future and acting as a catalyst for finding the best solutions to issues
- aiding coordination and cohesion
- being the spokesperson for the council, the talking head, making public statements which project a positive image of the council (and his/her own image), whether in the media or speaking on public platforms at home or abroad.

The Committee for Geelong, also strongly business-based, argued that the mayor should be given additional powers, at least commensurate with those of the Lord Mayor of Melbourne, but preferably also including the power to establish a 'small decision-making executive', perhaps comprising the chairs of major committees. The Committee for Geelong asserted that this would free-up other councillors to be community representatives, rather than being expected to function as a 'board of directors' (Committee for Geelong 2011: 9).

By contrast, the two main representative bodies for local government, the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association (VLGA) adopted a very cautious approach, arguing that the case for change had not been made and that further research and/or an inquiry was required. The MAV sought "a clear and detailed discussion of the benefits and any disbenefits on democracy and governance, and the additional cost to the community and council..."

(MAV 2011: 1). However, the state government announced in November 2011 that it would be going ahead with the change (DPCD 2011c).

In summary, and apart from Queensland, approaches to the role of mayors across Australia could best be described as ambivalent. There is an evident reluctance to institutionalise strong local leadership through the office of mayor. Only in Tasmania, Western Australia and the City of Adelaide are mayors specifically tasked with community leadership. In NSW, Queensland, the Northern Territory and the rest of South Australia, that role is given to all the councillors individually and collectively. In Victoria it is not mentioned at all. Yet calls for more effective local leadership abound. Later sections of this paper consider how they might be answered.

## 4. Developments in England and New Zealand

Unlike the Australian states (except Queensland) governments in both England and New Zealand have recently addressed the role that mayors should play and amended legislation accordingly. A move to introduce directly elected mayors with semi-executive powers was part of broader reforms of English local government undertaken by the Blair Labour government around the turn of the century. The prompt for similar action in New Zealand was a decision in 2007 by the former Labour-led government to hold a Royal Commission into the future governance of Auckland.

### England

In England, the decisive step towards new forms of mayoral leadership was the establishment in 2000 of the Greater London Authority (GLA), headed by a directly elected Mayor of London. The GLA is a regional authority that operates at a strategic level in conjunction with the 32 London borough councils and the City of London. The mayor is answerable to an assembly of 25 elected members which scrutinises the Authority's activities, spending and performance, and can – by a two-thirds majority – amend the mayor's proposed budget.

The mayor is able to exercise the executive functions of the GLA. His/her role encompasses:

- Promoting a vision for economic, social and environmental improvement
- Formulating plans and policies covering transport, planning and development, housing, economic development and regeneration, culture, health inequalities, and a range of environmental issues including climate change, biodiversity and environmental quality
- Ensuring those plans and policies contribute to sustainable development and the health of Londoners
- Responsibilities for culture and tourism, including managing Trafalgar Square and Parliament Square
- Setting the annual budget for the Greater London Authority and the wider GLA group, which includes the Metropolitan Police, Transport for London, and the London Fire Brigade
- Appointments to the boards of the Metropolitan Police Authority, Transport for London, and the London Fire and Emergency Planning Authority, and chairing those boards if s/he so chooses.<sup>8</sup>

In exercising his/her powers the mayor is required to consult regularly with Londoners.

Subsequently, the Local Government Act 2000 introduced new governance options for all local authorities, including one of a directly elected, semi-executive mayor – as opposed to the previously universal model of a 'leader' elected by and from the councillors, with decision-making in the hands of a series of committees. The position of mayor had previously been essentially ceremonial and subservient to that of the leader. Local authorities were required to hold a local referendum<sup>9</sup> if they wished to adopt the new mayoral model: only 37 out of 353 did so, and only 12 succeeded. The overwhelming majority of authorities selected a governance option that retained<sup>10</sup> or was similar to the established approach (Stevens 2010).

<sup>8</sup> See <http://www.london.gov.uk/who-runs-london/mayor/role>

<sup>9</sup> A successful referendum had been held to endorse the establishment of the GLA and Mayor of London

<sup>10</sup> Smaller councils with 1999 populations of less than 85,000 were given the option of retaining the committee system.

The 2000 Act did not detail the role and powers of elected mayors, beyond those of appointing a deputy and members of an executive group of councillors that would manage the local authority in conjunction with the mayor, chief executive and senior officers. The underlying concept here was that of a ministerial and cabinet system, with other 'backbench' councillors acting as community representatives and scrutinising the work of the executive ('cabinet') – a major departure from previous practice and one aimed at more decisive, innovative and responsive local leadership.

The specific functions and decision-making powers of the mayor and executive are the subject of ministerial regulations and/or individual council constitutions. Thus they can and do vary considerably from one authority to another. In the London Borough of Lewisham, for example, the council constitution sets out the role of the mayor as follows (London Borough of Lewisham 2011: 47):

- to be the council's principal spokesperson
- to give overall political direction to the council
- to appoint (and dismiss) the executive
- to decide on a schedule of delegation of executive functions
- to chair meetings of the executive
- to represent the council on external bodies that deal with executive functions
- to be the council's lead member for children's services.

The key point here is the mayor's power to allocate and delegate 'executive functions' i.e. the wide range of decision-making powers vested in himself and the executive. In Lewisham, he may delegate any of those powers to:

- the executive as a whole or a committee of the executive
- an individual member of the executive
- an officer
- an area committee
- a joint committee
- an individual ward councillor, to the extent the function is exercisable within the ward
- another local authority.

The mayor is also responsible for leading the preparation of a number of key strategic and corporate plans, and of the annual budget. The council as a whole may amend the budget submitted by the mayor and executive, but requires a two-thirds majority to do so.

Debate continues in England over the merits or otherwise of elected mayors: Stevens (2010) provides a pithy summary:

Depending on your preference or affiliation, elected mayors are, like reform of local finance, destined to remain either a desirable panacea for declining rates of participation and underperformance by local councils, or an aspirin in search of a headache. What has been shown is that mayors, like council leaders possibly, have mostly been capable of putting their local authority on an improvement journey, which in some cases has shown dramatic turnarounds (Hackney, North Tyneside) and in other cases simply steady progress (Lewisham). Whereas some mayors have provided stability after considerable chaos (Hackney) or underperformance (Torrey), others have simply got on with the job and been recognised for it (Hartlepool, Middlesbrough). And where they

haven't, the electorate have had their say (Doncaster, Stoke on Trent). Either way, they've got people talking about local government, which remains in most people's eyes a municipal theme park of mayors' chains of office, dull committee meetings behind closed doors and possibly even irrelevance.

Further fuel was added to the debate by the policy of the Conservative-Liberal Democrat government elected in May 2010 to extend the system to another 12 major city councils across the country.<sup>11</sup> Attention thus remained focused not on the quite radical concept of replacing the old committee system with a strong council executive ('cabinet'), but rather whether the head of that executive should be a directly elected mayor or an indirectly elected leader. Amendments to the local government Act since 2000 have given leaders very similar roles and powers to those of mayors, and this is used by some to argue that there is no need for popular election. The central issue thus becomes one of whether the presiding member of a council should enjoy a popular mandate, and the value to a locality of having a clearly identified 'first citizen' with significant political and executive authority.

### **New Zealand**

All mayors in New Zealand have been directly elected for many years, but they have no specific powers beyond chairing council meetings. Even when the local government Act was comprehensively reviewed and re-written in 2002 it seems that little or no thought was given to moving away from the prevailing 'weak mayor' model. The 2002 Act does contain a provision (s40) for 'governance statements' that, together with the use of delegations, could be used to codify and extend the mayor's role, but the provision does not appear to have been used in that way (Local Government New Zealand undated: 51-52). As in Australia, lack of formal powers does not necessarily preclude the emergence of 'strong' mayors, and New Zealand provides many examples of forceful and effective civic leadership based on the mayor's popular mandate and personal qualities (Royal Commission on Auckland Governance: 423)

However, the Royal Commission established in October 2007 to review the governance of the Auckland metropolitan region saw a need for a much more structured approach. In recommending establishment of a 'super city' council covering the entire metropolitan area and with a population of around 1.4 million, and drawing to a significant extent on the English model of elected mayors, it argued as follows (ibid: 8):

Auckland needs an inspirational leader, inclusive in approach and decisive in action. Auckland needs a person who is able to articulate and deliver on a shared vision, and who can speak for the region, and deliver regional priorities decisively.

The Auckland Council will be led by a mayor who is elected by all Aucklanders. The Mayor of Auckland will have greater executive powers than currently provided under the Local Government Act 2002, although these additional powers will still be more modest than in many international models of mayoralty. The additional powers will be limited to three key abilities:

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<sup>11</sup> Referenda have since been held in those cities (except Liverpool which moved voluntarily to a directly elected mayor) but only one (Bristol) was successful. It appears that the principal reasons for this outcome were institutional and political inertia, and the lack of a simple, readily understood and compelling case for change.

- appointment of the deputy mayor and committee chairpersons
- proposal of the Auckland Council budget and initiation of policy
- establishment and maintenance of an appropriately staffed Mayoral Office.
- The Mayor will be expected to chart and lead an agenda for Auckland. To ensure the Mayor remains fully accountable, all policy will need to be approved by the full Auckland Council. There will also be additional obligations on the Mayor to engage with the people of Auckland through regular “Mayor’s Days” and an annual “State of the Region” address.

The functions of the mayor were subsequently articulated in section 9 of the Local Government (Auckland Council) Act 2009 as follows:

- articulate and promote a vision for Auckland
- provide leadership for the purpose of achieving objectives that will contribute to that vision
- lead the development of council plans (including the LTCCP<sup>12</sup> and the annual plan), policies, and budgets for consideration by the governing body
- establish processes and mechanisms to engage with the people of Auckland
- appoint the deputy mayor, establish committees of the governing body and appoint the chairperson of each committee
- establish and maintain an appropriately staffed office of the mayor, with an annual budget not less than 0.2% of the council's total budgeted operating expenditure for that year.

Whilst this set of powers and functions falls short of creating an executive mayor (McKinlay 2011), it clearly establishes a new benchmark for New Zealand local government, in the same way that the powers of the Lord Mayor of Brisbane were seen as a point of reference for other Queensland mayors. In March 2012 the New Zealand Government launched a new wave of local government reform proposals under the banner ‘Better Local Government’ (New Zealand Government 2012). Those proposals include the following statement on mayoral powers (ibid: 8):

Mayors are the public face of councils and publicly carry the responsibility for their decisions. The problem is that there is a mismatch in the current local government framework between the high level of public interest, scrutiny and engagement in mayoral elections, where they are elected for an entire city or district, and their limited formal powers over the governing body of a council. Mayors need the capacity to provide clearer and stronger leadership.

This was recognised with the Auckland Council reform. The Local Government (Auckland Council) Act 2009 provides Auckland’s mayor with governance powers not available to other mayors, although substantial decision making remains with the full council. It makes good sense for mayors across New Zealand to have similar governance powers.

All mayors will be empowered, from the 2013 local elections, to appoint deputy mayors, to establish committees and to approve committee chairpersons. The role of the mayor will explicitly include leadership over the development of plans, policies and budgets.

As in Queensland, it appears that the perceived success of the ‘big city’ model has persuaded central government that a similar approach can deliver the benefits of stronger political leadership across the whole of local government.

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<sup>12</sup> Long Term Council Community Plan – a wide-ranging strategic and financial plan

## 5. Towards a model for Australian mayors

We now return to the central question of the role that mayors could and should play in the Australian context. Based on the literature overview and other material presented above, six key dimensions have been identified for further consideration. These comprise:

- the merits of popular election
- the need for stronger community leadership
- ensuring effective strategic and corporate planning
- enhancing political governance
- the respective roles of mayors and chief executives
- inter-government relations.

### The merits of popular election

In New Zealand, Queensland and Tasmania there is no evident debate about whether mayors should be directly elected, and all the mayors interviewed in those jurisdictions affirmed the value and importance of having a personal mandate. Even though mayors may not enjoy specific additional powers, and may sometimes find themselves in a minority within the elected council, a personal mandate was seen to enable them to appeal directly to constituents, to represent a diverse range of community interests, to work more effectively with central governments, business and other key partners, and to exercise more influence within the council organisation, both in negotiations with other councillors and with senior management. Similar arguments were advanced by all the other directly elected mayors interviewed.

In England debate still rages on the merits of popular election. Some claim that elected mayors have provided more visible and accountable ‘facilitative leadership’, improved the performance of their councils, and established a platform for devolution of authority from central government (Kenny and Lodge 2008). The contrary view is that indirectly elected ‘council leaders’ can and do achieve similar results, that indirect election avoids personality politics and ensures leaders have sound local government experience, and that effective devolution requires broader systemic change (Kemp 2006).

Some of those opposed to the popular election of the Mayor of Geelong also pointed to the dangers of personality politics and the potential for candidates with greater resources to ‘buy’ the mayoralty. There were also concerns that the mayor might veer ‘out of control’, running a purely personal agenda, or conversely that there could be gridlock between the mayor and an opposing majority of councillors. Concerns of that nature reflect the need to ensure that the mayor’s powers and responsibilities are articulated in sufficient detail to establish clear ‘rules of the game’ – either by statute or through a mechanism such as a council constitution or specific delegation of decision-making authority. This is recognised most clearly in Brisbane (and to a lesser extent the rest of Queensland), Sydney (in terms of the delegation from the council), and England (through council constitutions). Also, in Tasmania section 27 (1A) of the Local Government Act requires the mayor to “represent accurately the policies and decisions of the council” in performing his or her functions.

Where a popularly elected mayor exercises considerable executive authority, regular and effective scrutiny of his or her performance is also essential: this is normally inherent in the way Australian



councils operate, but more structured and rigorous processes may need to be introduced if there is a risk that the representative role of other councillors could be unduly impaired. Opportunities for councillors to scrutinise and question mayoral statements and decisions could be increased, and there might be a power to veto some or all mayoral decisions by a two-thirds majority. Also, since state governments already exercise close oversight and supervision of councils, those processes could be extended to monitoring the performance of directly elected mayors and intervening when necessary. Another option would be to introduce 'recall' provisions, empowering the electors and/or the councillors to remove the mayor by referendum or, say, a two-thirds majority, but such provisions may introduce unwarranted disruption and instability.

An alternative approach favoured by some is for the mayor to be indirectly elected but with a guaranteed term of not less than two years, or possibly the whole of the council's term. This would ameliorate the problems inherent in mayors having to be re-elected every 12 months, notably inaction or instability in the lead-up to each annual election, and deals being done to share the role of mayor amongst three or four councillors over the life of the council, diminishing the authority and effectiveness of the position. However, unless the mayor is the unqualified leader of a dominant political grouping within the council (a situation which often applies to council leaders in the UK, where local government is party-political, but is much less common in Australia), it is difficult to see how indirect election for extended periods would be democratically justified or how it would make a significant difference in practice, since the mayor would still lack a personal mandate.

### **The need for stronger community leadership**

Entwined with the issue of popular election is the commonly perceived need for stronger community leadership. There appears to be widespread agreement on this point: it was an explicit objective of government moves to introduce elected mayors in England, Auckland and Geelong, and is supported by the literature on facilitative and place-based leadership. The question that arises, however, is how best to construct such leadership: to what extent should the power to lead be vested in the mayor as opposed to a broader collective of councillors and indeed other non-elected community representatives. This was a key issue raised in the Geelong debate. Certainly, the provisions of Australian local government Acts, apart from Queensland, suggest a reluctance to move away from the collective council decision-making model, even though councils are frequently criticized for indecision and lack of strategy.

All the mayors interviewed for this study emphasised the need to build consensus and none saw any value in operating as a 'one man band'. But they also agreed that someone had to be responsible for taking the lead, both in proposing action and seeking consensus. All saw themselves as playing a leadership role in liaising with a broad range of government and non-government stakeholders to promote the interests of their locality and its communities. Again, few Australian local government Acts explicitly confer such responsibilities on the mayor.

Of particular relevance here is the increasing emphasis placed on community consultation and engagement. This may be linked specifically to preparation of plans and policies (discussed below) or expressed more broadly. The wording of the Local Government (Auckland Council) Act is particularly interesting, requiring the mayor to: "establish processes and mechanisms to engage with the people of Auckland, whether generally or particularly." The Mayor of London is similarly charged with consulting Londoners. By contrast, no Australian local government Act gives mayors any special role

in community engagement: where communication or consultation with the local community is mentioned, it is listed as one of the responsibilities of all councillors. The inherent risk of this loose approach is that engagement becomes largely ad hoc, and that what should be seen as an on-going political function is instead treated as a matter of compliance when specified plans and policies are being prepared, and conducted principally by managers.

A further issue is whether central governments are serious about enabling local leadership. One of the arguments put forward by those opposed to elected mayors in England is that they cannot make any real difference unless there is genuine devolution of authority from central to local government (Kemp 2006). To a significant extent, that may be a chicken-and-egg issue: devolution (legislative or de facto) may be more likely if local leadership is more effective and better able to exercise greater authority. The experience of Brisbane City Council and more recently the Greater London Authority and Mayor of London appears to support such an argument.

Interestingly, the head of the UK's New Local Government Network recently linked the need for devolution to a call for compulsory voting in local elections (Parker 2012). He argued that:

This is a way to solve the localist's dilemma: councils complain that nobody votes for them because they have no power, but Whitehall refuses to pass down more power because councils are not fully accountable. Compulsory voting would transform the practice of local politics, forcing parties to appeal to a much wider range of voters.

In Australia, voting in local elections is already compulsory in the three largest states, and there is little doubt that this adds significantly to the authority of directly-elected mayors. A recent review of local government in metropolitan Perth proposed both compulsory voting and direct election of mayors (Metropolitan Local Government Review 2012).

### **Ensuring effective strategic and corporate planning**

Recent amendments to most Australian local government Acts have placed considerable emphasis on the importance of long-term strategic plans, typically linked to goals of wellbeing and sustainability, and prepared in consultation with a broad range of stakeholders. These strategies are then to be translated into a series of shorter-term corporate plans: in NSW the term 'delivery program' is used to make the purpose clear. The purpose of all this is to make councils more policy- and future-focused, committed to the ongoing pursuit of agreed community objectives and to sound management of assets, finances and human resources.

However, only in NSW and Tasmania does the legislation indicate explicitly that one of the functions of councillors is to involve themselves in the preparation of strategic plans, and none of the Acts suggests leadership by the mayor in this regard. Only the Queensland Act gives mayors associated functions: to give strategic direction to the CEO and to present the budget. In the case of Brisbane, these functions are extended to developing policies and *preparing* the budget.

This situation contrasts markedly with Auckland and England, where mayors (and now also indirectly elected council leaders) are charged with formulating and promoting a vision for their city or area, and with leading the preparation of plans and budgets – in part to give effect to that vision. Like community engagement, strategic planning is fundamentally political rather than technical: it is about community preferences and expectations, setting objectives, and balancing competing claims on resources. If legislation requires such planning but does not require and enable elected

representatives to lead the process, then it is not difficult to understand why plans prepared largely by officials are adopted by councillors without sufficient consideration of their implications and with little solid commitment to their implementation. The same applies to annual or multi-year budgets.

### **Enhancing political governance**

An underlying theme in the evolving role of mayors is the need for enhanced political governance. This relates to the goal of effective leadership discussed earlier and involves issues of ‘good governance’ – the way the body politic of the council organises and conducts itself to ensure sound decision-making.

A number of interesting developments are apparent. First, mayors in England, Auckland and (subject to the necessary delegation) Melbourne are variously responsible for appointing their deputy, the cabinet (in England), delegating decision-making, determining the committee structure, and appointing councillors to internal committees (including as chair) or as representatives of the council on outside bodies. In other words, the mayor is empowered to set up the structure of political governance in such a way as to reflect his or her vision and priorities (and potentially, of course, to reward his or her supporters).

From interviews with mayors, the selection and role of deputies emerged as particularly important. All emphasised the need for a close and trustful working relationship: having a deputy they could rely on to ‘fill in’ where necessary and, importantly, to liaise with other councillors and help secure votes in the council on key issues. Whilst some thought removing the right of councillors to elect the deputy could prove counter-productive, the majority felt that the benefits of being able to appoint a trusted colleague or strategic ally outweighed the risk. In the case of Melbourne, the requirement for candidates for mayor and deputy to stand for election together is designed to ensure an effective leadership team, although relationships may not always last the distance.

Secondly, the mayor may be expected to take the lead in ensuring probity and appropriate behaviour on the part of all councillors. In Tasmania, for example, the local government Act requires the mayor to “oversee the councillors in their functions”, and the mayor plays a key role when complaints are made against councillors. This can be seen as an important element of civic leadership: in its submission supporting a directly elected mayor the Geelong Chamber of Commerce identified a need for the mayor to ‘manage’ the councillors and build a cohesive team.

### **The respective roles of mayors and chief executives**

The relationship between mayors and chief executives is a complex and often vexed issue: it lies at the heart of the debate about whether and to what extent mayors should exercise executive powers. This is a particularly sensitive question in Australia, where the general trend of local government legislation over the past two decades has been to apply the concept of ‘separation of powers’. The responsibilities and prerogatives of chief executives are described in as much or more detail as those of mayors and councillors, typically such that they are (officially at least) the sole point of contact between the body politic and the administration, entrusted with all aspects of the ‘day-to-day’ management of the organisation, including appointment of all staff, and allowed considerable discretion in the implementation of council policies.

In legal terms, the only significant departures from this model in Australia are the city councils of Brisbane, where the Act empowers the lord mayor unequivocally to direct the chief executive, and Sydney, where that function has been delegated to the lord mayor by the council, together with the power to make 'minor' adjustments to the organisation structure. Elsewhere, legislation limits mayors to providing 'strategic direction' to their chief executives, or 'advising' or 'liaising with' them. However, this does not necessarily prevent a politically powerful mayor from exercising a considerable measure of de facto executive authority, especially when senior managers are employed under fixed term, performance based contracts.

The situation in New Zealand is generally similar to that in Australia: even the new mayor of Auckland has not been given explicit executive powers. However, as noted earlier s/he does 'lead the development' of strategic and corporate plans and, perhaps most importantly, the budget. Moreover, the mayor has dedicated support staff and a guaranteed minimum budget to maintain that office.

In England, elected mayors (and indirectly elected council leaders) may have much more explicit and extensive executive authority, depending on their council's constitution and scheme of delegations. The London mayor is also able to exercise powerful influence, if not executive authority as such, by appointing and chairing the boards of key service delivery organisations, such as Transport for London.

None of the mayors interviewed for this study expressed a desire to administer the day-to-day operations of their council organisation: all saw their primary focus as on the one hand outward-looking: formulating strategy, engaging the community and stakeholders and working with partner organisations; and on the other 'political management', creating an enabling environment within the council so that agreed objectives are achieved. However, in most cases it was evident that this 'hands-off' approach to administration was conditional on having a chief executive who appreciated the mayoral role and mandate, and did not seek to apply 'separation of powers' in a literal and rigid manner. In this regard, there appears to be considerable merit in the English concept of a council constitution that can be negotiated and updated after each election, and that sets out the important 'rules' governing operations and key relationships. This would apply equally to issues of political governance discussed previously.

Whilst having a separate chief executive remains the norm, some English councils are now experimenting with the 'mayor (or leader) as CEO' model (Stevens 2011), and downgrading the position of chief executive to 'chief operating officer' or 'head of paid service'. In some instances this follows the advent of a mayor or council leader who wishes to be the dominant authority, but elsewhere it may reflect a view that the head of the body politic ought to deal directly as required with all the senior officers (as in the case of Brisbane's lord mayor) and that granting the title 'chief executive officer' to an appointed official is inappropriate. The need to reduce expenditure is also a significant factor: eliminating the separate position of CEO and making one of the senior officers 'head of paid service' may be seen as a worthwhile saving.

### **Inter-government relations**

A necessary corollary of community leadership and strategic planning is involvement in inter-government relations. All the mayors interviewed spoke about their role in dealing with and

advocating to central governments on behalf of their local area. As noted earlier, the Auckland Royal Commission highlighted the need for someone to 'speak for the region'.

Only two Australian local government Acts specifically mention inter-government relations. The City of Adelaide includes the strongest reference, making it a duty of the mayor "to participate in the maintenance of inter-governmental relationships at regional, state and national levels." The Queensland Act includes a somewhat odd requirement for the mayor to provide information to the minister about the local government area. In addition, the Northern Territory Act makes the mayor the 'principal representative' of the council, while as noted earlier Sydney's lord mayor chairs the joint state-council Central Sydney Planning Committee, an important inter-government mechanism.

Regardless of legislation, it is evident that Australian mayors are generally expected to play a significant role in inter-government relations. When the Rudd federal government established the Australian Council of Local Government in 2008, its nominal membership (and annual plenary gathering) consisted of all the country's mayors (or equivalents). A recent move by the NSW government to launch ongoing reform and revitalization of local government ('Destination 2036') began with a meeting of all the state's mayors and council general managers (chief executives). This suggests that some codification of the mayor's inter-government role, along the lines of the Adelaide Act, would be appropriate.

## 6. Conclusion: a framework for legislation

This concluding section builds on the lessons drawn earlier about key elements of the evolving role of mayors, to suggest a framework of legislative provisions that might be applied in Australia. Its starting point is that the evidence reviewed points clearly to the value of mayors who are enabled to exercise strong, facilitative and place-based leadership. Based on that approach, Table 3 proposes a set of principal mayoral functions and prerogatives, and legislative provisions that would give effect to them. Where possible, the suggested provisions draw on an existing Australian local government Act.

**Table 3: Possible mayoral roles and legislation**

Function or prerogative	Legislative provision (and origin)
<b>Principal member of the council</b>	<ul style="list-style-type: none"> <li>▪ Lead and control the business of the council (Brisbane)</li> <li>▪ Chair and manage meetings (All/Qld)</li> <li>▪ Speak on behalf of the council as the council's principal representative (NT)</li> <li>▪ Conduct civic and ceremonial functions (All)</li> </ul>
<b>Community leadership and engagement</b>	<ul style="list-style-type: none"> <li>▪ Articulate and promote a vision for the area (Auckland)</li> <li>▪ Provide leadership and guidance to the community (Adelaide)</li> <li>▪ Establish processes and mechanisms to engage with the community (Auckland)</li> </ul>
<b>Selection of deputy mayor</b>	<ul style="list-style-type: none"> <li>▪ Appoint the deputy mayor (Auckland) <b>OR</b></li> <li>▪ Mayor and deputy to stand for election as a team (Melbourne)</li> </ul>
<b>Effective political governance</b>	<ul style="list-style-type: none"> <li>▪ Establish committees of the governing body and appoint the chairperson of each committee (Auckland)</li> <li>▪ Oversee the councillors in the performance of their functions and in the exercise of their powers (Tas)</li> <li>▪ Represent accurately the policies and decisions of the council (Tas)</li> </ul>
<b>Strategic and corporate planning</b>	<ul style="list-style-type: none"> <li>▪ Lead the development and implementation of council plans, policies, and budgets (Auckland/Qld)</li> <li>▪ Propose the adoption of the budget (Qld)</li> </ul>
<b>Guiding the chief executive</b>	<ul style="list-style-type: none"> <li>▪ Lead, manage, and provide advice and strategic direction to the chief executive officer on the implementation of council policies (Qld/SA)</li> <li>▪ Exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings (NSW)</li> <li>▪ Liaise with the chief executive officer on behalf of the other councillors (Qld/Tas)</li> <li>▪ Direct the chief executive officer in accordance with the council's policies (Qld)</li> <li>▪ Conduct performance appraisals of the chief executive officer (Qld)</li> </ul>
<b>Inter-government relations</b>	<ul style="list-style-type: none"> <li>▪ Participate in inter-governmental relationships at regional, State and national levels (Adelaide)</li> </ul>
<b>Exercise delegated authority</b>	<ul style="list-style-type: none"> <li>▪ Exercise such other functions as the council determines (NSW/SA).</li> </ul>

Whilst the legislative provisions suggested in Table 3 would considerably strengthen the role of Australian mayors, they are by no means radical in the international context and stop short of conferring executive powers in the commonly accepted sense of the term. Indeed, it may well be that greater executive authority is seen as desirable in some cases, such as currently applies in Brisbane and Sydney (the latter under delegation). On the other hand, there may be little need for change in many of Australia's thinly populated rural and remote local governments that discharge only limited functions.

Nevertheless, packaging existing provisions of various Australian local government Acts and the Auckland Council Act in the manner suggested would undoubtedly be considered risky or downright dangerous in some quarters, particularly powers to appoint the deputy mayor, to establish committees and appoint chairs, and to direct the chief executive to give effect to council policies. As discussed earlier, such changes would need to be accompanied by arrangements to ensure effective scrutiny of the mayor's actions by the council as a whole, plus if necessary state government oversight (perhaps via an independent local government board or commission). This might also involve introducing a 'question time' for mayors as part of council meetings, and enabling councillors to overturn mayoral proposals or decisions by a two-thirds majority.

If mayors are to do more, they will need increased resources and support. The Auckland model, under which there is a legislative guarantee that the mayor will have an adequately resourced personal office, appears desirable in the case of larger urban councils.

This leaves the question of whether 'stronger' mayors should be directly (popularly) or indirectly elected. As in England, firm views are held on both sides of that debate, although apart from the recent debate in Geelong there is no evidence of widespread dissent in those states or cities where mayors are required to be directly elected, and the author is not aware of any instances in which councils or communities that opted for direct election have later reversed that decision. At the same time, there does appear to be an emerging consensus that even indirectly mayors should hold office for at least two years so that they can 'settle in' to the position and make a greater contribution to strategic direction, policy and program development, and as civic leaders.

As discussed earlier, there are of course risks associated with direct election of mayors – personality politics may throw up unsuitable or inexperienced candidates, or perhaps enable a candidate with personal wealth or financial backers to 'buy' election. The major parties may become more involved in local government than they are at present, seeking to capture further 'glittering prizes'. However, the research and interviews conducted in preparing this paper indicated that direct election is no more likely to produce an incompetent or egotistical mayor than is indirect election by the councillors: it seems that either the electorate is able to discern the strengths and weaknesses of candidates, or that once elected and with the right support, the great majority of successful candidates quickly come to terms with the role they must play and rise to the occasion. Indeed, it can reasonably be argued that indirect election, involving political deals amongst councillors so that several can 'take their turn' as mayor for a year or two, carries equal or greater risks.

On balance, the case for popular election and hence a solid mandate to exercise civic leadership seems more compelling. As noted earlier, this was also the conclusion reached by the recent review of metropolitan local government in Perth, which also highlighted the importance of enhanced

strategic thinking and leadership (Metropolitan Local Government Review 2012: 6, 22). What then follows is the need to ensure that the responsibilities and authority of mayors are defined in some detail so that they are clear to all and suitably balanced, and in order for mayors to be held to account by their fellow councillors and constituents.

To conclude, this paper has argued that the functions of mayors – who are already generally acknowledged as the principal member of their councils – should be updated and re-codified to match other changes that have occurred in Australian local government. Except in Queensland, the structures and norms of political governance have largely failed to keep pace with the expanded functions of local government, and especially the growing expectation that councils will act more strategically to reflect and represent the needs and aspirations of their communities, and to ensure sound management of community assets. These goals cannot be achieved unless the political arm of local government has the capacity to discharge its responsibilities effectively alongside those of management. To build that capacity, the office of mayor seems a good place to start.



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## Attachment: Election and Roles of Australian Mayors

State or Territory	Method of Election and Term	Designated Role
<b>New South Wales</b>	<p>The Mayor is elected:</p> <ul style="list-style-type: none"> <li>▪ by and from the Councillors, or</li> <li>▪ by all the electors, if agreed by a local constitutional referendum.</li> </ul> <p>Popular election is for the full 4-year term of the council.</p> <p>Election by Councillors takes place annually.</p> <p>NB: In 2008, 27 out of 148 mayors (18%) were elected by electors. Lord Mayor of the City of Sydney <i>must</i> be directly elected.</p>	<p>The role of all <i>Councillors</i> is:</p> <ul style="list-style-type: none"> <li>▪ to provide a civic leadership role in guiding the development of the community strategic plan</li> <li>▪ to direct and control the affairs of the council</li> <li>▪ to review the performance of the council</li> <li>▪ to represent the interests of the residents and ratepayers</li> <li>▪ to provide leadership and guidance to the community</li> <li>▪ to facilitate communication between the community and the council.</li> </ul> <p>The additional role of the <i>Mayor</i> is:</p> <ul style="list-style-type: none"> <li>▪ to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council</li> <li>▪ to exercise such other functions as the council determines</li> <li>▪ to preside at meetings of the council</li> <li>▪ to carry out civic and ceremonial functions.</li> </ul>
<b>Northern Territory</b>	<p>The Principal Member of a council has the title <i>Mayor</i> or <i>President</i>.</p> <p>The Principal Member of a council is:</p> <ul style="list-style-type: none"> <li>▪ in the case of a municipal council - directly elected</li> <li>▪ in the case of a shire council - elected by and from the Councillors, or directly elected.</li> </ul> <p>A shire council is taken to have chosen to appoint its Principal Member unless a change is made by special resolution.</p>	<p>The role of all <i>members of a council</i> is:</p> <ul style="list-style-type: none"> <li>▪ to represent the interests of all residents and ratepayers of the council area</li> <li>▪ to provide leadership and guidance</li> <li>▪ to facilitate communication between the members of the council's constituency and the council</li> <li>▪ to participate in the deliberations of the council and its community activities</li> <li>▪ to ensure, as far as practicable, that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities.</li> </ul> <p>The additional role of the <i>Mayor or President</i> is:</p> <ul style="list-style-type: none"> <li>▪ to chair meetings of the council; and</li> <li>▪ to speak on behalf of the council as the council's principal representative; and</li> <li>▪ to carry out civic and ceremonial functions.</li> </ul>
<b>Queensland</b>	<p>All Mayors are directly elected for the full 4-year term of the council.</p>	<p>All <i>Councillors</i> have the following responsibilities:</p> <ul style="list-style-type: none"> <li>▪ ensuring the local government achieves its corporate and community plans</li> <li>▪ providing high quality leadership</li> <li>▪ participating in policy development</li> <li>▪ being accountable to the community for the local</li> </ul>

		<p>government's performance.</p> <p>The <i>Mayor</i> has the following extra responsibilities--</p> <ul style="list-style-type: none"> <li>▪ leading and managing meetings...</li> <li>▪ proposing the adoption of the budget</li> <li>▪ liaising with the chief executive officer on behalf of the other councillors</li> <li>▪ leading, managing, and providing strategic direction to, the chief executive officer</li> <li>▪ directing the chief executive officer, in accordance with the local government's policies</li> <li>▪ conducting a performance appraisal of the chief executive officer</li> <li>▪ ensuring that the local government promptly provides the Minister with information about the local government area</li> <li>▪ representing the local government at ceremonial or civic functions.</li> </ul> <p>NB: The Lord Mayor of Brisbane has additional executive responsibilities as set out in the text.</p>
<p><b>South Australia</b></p>	<p>The Principal Member of a council is the Mayor or Chairperson.</p> <p>Mayors are directly elected for the full 4-year term of the council.</p> <p>Chairpersons are elected by and from the councillors: the term of office must not exceed 4 years.</p> <p>NB: In 2011 Mayors were directly elected in 49 councils and by Councillors in 18.</p>	<p>The role of all <i>members of a council</i> is:</p> <ul style="list-style-type: none"> <li>▪ to participate in the deliberations and civic activities of the council</li> <li>▪ to keep the council's objectives and policies under review</li> <li>▪ to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review</li> <li>▪ to represent the interests of residents and ratepayers</li> <li>▪ to provide community leadership and guidance</li> <li>▪ to facilitate communication between the community and the council.</li> </ul> <p>The additional role of the <i>Principal Member</i> is:</p> <ul style="list-style-type: none"> <li>▪ to preside at meetings</li> <li>▪ if requested, to provide advice to the chief executive on implementation of council decisions</li> <li>▪ to be the principal spokesperson of the council</li> <li>▪ to exercise other functions as the council determines</li> <li>▪ to carry out civic and ceremonial duties.</li> </ul> <p>NB: The Lord Mayor of Adelaide has additional executive responsibilities as set out in the text.</p>
<p><b>Tasmania</b></p>	<p>The Mayor and Deputy Mayor of all councils are directly elected for 2-year terms (half the Councillors are elected every 2 years) – unless there is no nomination, in which</p>	<p>All <i>Councillors</i> have the following functions:</p> <ul style="list-style-type: none"> <li>▪ to represent and act in the best interests of the community</li> <li>▪ to facilitate communication with the community;</li> </ul>

	<p>case the Councillors elect one of their number.</p>	<ul style="list-style-type: none"> <li>▪ to develop and monitor the implementation of strategic plans and budgets</li> <li>▪ to determine and monitor the application of policies, plans and programs</li> <li>▪ to facilitate planning and development in the best interests of the community</li> <li>▪ to appoint and monitor the performance of the general manager</li> <li>▪ to determine and review the council's resource allocation and expenditure activities</li> <li>▪ to monitor provision of services</li> <li>▪ to represent accurately the policies and decisions of the council.</li> </ul> <p>The additional functions of a <i>Mayor</i> are:</p> <ul style="list-style-type: none"> <li>▪ a leader of the community of the municipal area</li> <li>▪ chairperson and spokesperson of the council</li> <li>▪ to liaise with the general manager on the activities of the council and its performance</li> <li>▪ to oversee the councillors in their functions.</li> </ul>
<p><b>Victoria</b></p>	<p>All Mayors are elected by and from the councillors for a term of up to 2 years, except for the Cities of Melbourne and Geelong, where the Mayor is directly elected for 4 years.</p> <p>The Mayor and Deputy Mayor of the City of Melbourne must stand for election as a team.</p>	<p>The <i>Mayor</i> of a Council takes precedence at all municipal proceedings within the municipal district, and must take the chair at all meetings of the Council at which he or she is present.</p> <p>No other functions are specified for either the Mayor or Councillors.</p> <p>Melbourne city Council may delegate some minor additional functions to the Lord Mayor.</p>
<p><b>Western Australia</b></p>	<p>When a council is first established, the Governor specifies whether the first Mayor or President is to be directly elected or elected by and from the Councillors.</p> <p>A local government may change from election by the councillors to popular election a special majority vote.</p> <p>A poll of electors is required to change from popular election to election by the councillors.</p> <p>The Lord Mayor of Perth must be directly elected.</p>	<p>All <i>Councillors</i> are to:</p> <ul style="list-style-type: none"> <li>▪ represent the interests of electors, ratepayers and residents</li> <li>▪ provide leadership and guidance to the community</li> <li>▪ facilitate communication between the community and the council.</li> </ul> <p>In addition, the <i>Mayor or President</i>:</p> <ul style="list-style-type: none"> <li>▪ presides at meetings</li> <li>▪ carries out civic and ceremonial duties</li> <li>▪ speaks on behalf of the local government</li> <li>▪ performs such other functions as are prescribed by law</li> <li>▪ liaises with the CEO on the local government's affairs and the performance of its functions.</li> </ul>

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