

DUE DILIGENCE FOR NEW MAYORS (A checklist of things to do in your first ten days)

Being elected -as a new Mayor in a Queensland local government is an exciting but also daunting prospect, particularly if you have not had previous experience as a Mayor or Councillor. Like the fictitious Jim Hacker of the Yes Minister series, you may not even know what you don't know.

As Mayor, you are now the Chair of a board of Councillors presiding over a corporation which probably controls a large workforce and has custody of a significant asset base – in much the same way that any commercial corporation does. So it is equally incumbent on you to exercise due diligence in taking up your role as you would if you were assuming the Chair of a substantial private company.

Similarly, in entering upon the role of Mayor you might wish to begin by briefing yourself on the financial standing of the local government and becoming aware of any legal or compliance issues likely to pose a risk or place the incoming council in any precarious circumstances of liability. You might then look to ensuring your own integrity was safeguarded by clearly understanding the terms of your new role, including the extent and limits of power you may exercise, and by complying with relevant disclosures required by the Local Government Act. You might also show leadership by encouraging your new council members to do the same.

You and your Councillors will have already gained a broad understanding of the expectations for your new role from the mandatory training you undertook as a Candidate. Don't be overawed by the multitude of challenges you will face in the early days of your Mayoralty. You are encouraged to sit down with your CEO to gain an understanding of the recent legislative reforms around integrity, transparency and accountability.

After that you would probably want to become familiar with the operational aspects of the business and the existing strategies and policies that currently guide decision making, to make sure they align with your preferred direction and that of your new council. You might also want to identify the sources of critical intelligence both within and outside the organisation that will help you keep an eye on emerging issues of importance.

With these preparations in hand you can settle into detailed briefings with senior management to begin mapping key actions to get your term under way.

WHAT DOES DUE DILIGENCE FOR NEW MAYORS MEAN?

Due diligence in the public sector is little different to the private sector although some of the avenues take on a different nuance. Legal and financial considerations are still paramount and quickly getting to know the industry context and the organisation's own governance framework is essential. Establishing a logical and methodical process for gathering this understanding is especially helpful.

The following table is offered as a useful, but not exhaustive, checklist to aid new Mayors in identifying areas matters of interest or relevance in their immediate settling-in period.

NEW MAYORS CHECKLIST	
F.A.Q.s	Source of Information
Understanding the role	
Where do I find out what a Mayor's role is?	<p>The Local Government Act 2009, Section 12 is the place to start. Whilst this is only a snapshot, a word search of the Act using the term "Mayor" will identify numerous other sections outlining specific roles and responsibilities. A good starting point is also understanding the Local Government principles, relating to ethical and sound governance in Section 4 of the Act.</p> <p>Additional training is available from the Local Government Association of Queensland and the Department of Local Government Racing and Multicultural Affairs.</p>
When do I start?	A new Mayor may not begin exercising their role until the election is concluded and they complete a Declaration of Office administered usually by the Council CEO. (refer Section 169 of the Local Government Act and Section 254 of the Local Government Regulation)
What other declarations must I make?	Make sure you complete the return to the Queensland Electoral Office concerning disclosure of electoral gifts as well as your Register of Interests required under Section 171B of the Local Government Act 2009 and Chapter 8 Part 5 of the Local Government Regulation 2012. The CEO will usually provide you with the relevant forms.
What about Chairing Council meetings?	<p>Familiarise yourself with the recent reforms concerning behavioural standards in Council's approved Code of Conduct and the new provisions of the Local Government Act (Section 150 H which defines unsuitable meeting conduct and Section 150 K, which defines inappropriate conduct.)</p> <p>The Council's local laws and policies should contain</p>

NEW MAYORS CHECKLIST	
F.A.Q.s	Source of Information
	<p>Standing Orders to govern the procedure at meetings. Read these carefully to understand how decisions are formalised and recorded and how the Mayor is charged to maintain order and see to the smooth conduct of Council meeting business.</p>
<p>Are there any pitfalls I should be wary of?</p>	<p>Avoid early mistakes- Understanding Councillors Code of Conduct; rules about giving directions to local government staff (Section 170- LG Act); requests for assistance or information (Section 170A); Division 6- conduct and performance of councillors and what represents inappropriate conduct; the role of the CCC; Information Commissioner and Ombudsman and recent legislative changes defining the roles of the Independent Assessor in undertaking investigations of Councillor conduct Division 4Chapter 5A- LG Act.</p> <p>It is also appropriate to understand the role of the Independent Assessor when satisfied a Councillor has engaged in Misconduct and the respective roles of the Councillor Conduct Tribunal and Local Government Remuneration Commission.</p> <p>The Council will have adopted a policy or procedures on how Councillors go about seeking information or requesting assistance from Council staff, known as ACCEPTABLE REQUESTS GUIDELINES. Read these and understand the protocols.</p> <p>As Mayor you may have some preferential avenues but remember to respect the lines of authority.</p>
<p>What is my role in emergency and disaster management arrangements?</p>	<p>The functions of a Local Government are defined in the Disaster Management Act 2003. All Local Governments have published Local Disaster Management Plans, Sub Plans and Disaster Management Groups to ensure disaster response capacity.</p> <p>The Mayor, or another elected member of the Council, is the Chairperson of the Local Disaster Management Group.</p> <p>As early as you can, familiarise yourself with your role in emergency and disaster management arrangements, including the current Pandemic Planning and Council's responsibilities for business continuity, maintaining local essential services, public health and vulnerable people at risk.</p>
Financial Risk	

NEW MAYORS CHECKLIST

F.A.Q.s	Source of Information
<p>How do I find out about the Council's financial standing?</p>	<p>The Council's latest published financial statements and current year's budget should be available on the Council's website. Recent Council Minutes should contain financial reports on budget performance. The CEO might also provide you with a hard copy to thumb through.</p> <p>Each year the Auditor-General provides a written briefing to each Council's Mayor on the conduct of the previous year's audit. You should obtain a copy of that advice from Council's records.</p> <p>Seek to understand your Council's Financial Sustainability risk assessment and long-term relative risk assessment and how your Council compares to similar Councils. This understanding will be important in framing your Budget and short and long term strategies in preparing Council's Annual Operational Plans and five year Corporate Plan.</p> <p>Audit Committee</p> <p>If your Council is large enough to have an Audit Committee or an Internal Auditor seek a briefing from the Chair of the Audit Committee -and/or the Internal Auditor about current issues. Read the latest Minutes of the Committee or the latest Internal Audit report.</p> <p>The Queensland Treasury Corporation provides regular advice to Councils about their financial sustainability. Read the latest report from QTC or seek a briefing from their representative.</p> <p>Seek a briefing from the CEO and Council's Finance staff on the current status of the Budget and the arrangements to begin formulation of the -2020/2021 budget.</p>
Legal Risk	
<p>How do I find out about any legal actions pending?</p>	<p>Obtain an initial briefing from the CEO, Town Planner or other relevant senior staff. It is also useful to arrange a face to face meeting with Council's legal advisers to be briefed on any significant cases currently on foot or potential proceedings Council should be aware of.</p>
Operational Status	

NEW MAYORS CHECKLIST	
F.A.Q.s	Source of Information
How do I find out what the organisation is doing?	<p>There will no doubt be keen interest from the new Council about the works and services the organisation is providing.</p> <p>Arrange a briefing, through the CEO, from the Director of Engineering/Infrastructure/Works on the status of the works program and major projects.</p> <p>There should also be reports in recent Council Minutes on progress in implementing the Council's Operational Plan.</p> <p>A general briefing from the executive team is always a good starting point for a new Mayor.</p> <p>Gain an understanding from the CEO on your role in conducting the review of CEO's performance against performance standards in the CEO's contract of employment.</p>
Working with the Council Team	
How do I establish my team of Councillors for committees or portfolio assignments?	<p>Different Councils operate in different ways in relation to using committees or allocating portfolios to Councillors to monitor.</p> <p>You and your Council will decide what works best for you.</p> <p>A good start for a new Mayor is to meet individually with each Councillor to discuss their views and aspirations for the local government and to evaluate the particular skills and interests of each Councillor for the purposes of best utilising them in the service of the Council in its deliberations.</p>
What about dealing with the Media?	<p>Modern Media relations in public life are complex and often high risk, especially in the context of social media. Seek a briefing with Council's Communications Team and get to understand the processes and policies surrounding the interaction between Council, the Mayor, individual Councillors and the printed and electronic media.</p> <p>Agree on a strategy early to deal with crisis situations.</p>
Developing a professional	New Mayors sometimes have pre-conceived ideas on

NEW MAYORS CHECKLIST	
F.A.Q.s	Source of Information
relationship with your CEO and Councillors.	<p>how their predecessors and the CEO developed and formed their professional relationships. As normal human beings, Councillors and CEOs have egos, emotions and deeply held values and often come from different backgrounds.</p> <p>After gaining Community support to lead your Council over the next four years, a working relationship where trust, understanding different viewpoints, respect and friendship built up over time can make dealings on major issues and crises more collaborative and more efficient.</p> <p>Forming a favourable first impression, by transparently following the principles of sound and ethical leadership and developing collaborative relationships with your Council, the Community and the organisation will be an indicator of your potential success as Mayor over the next four years.</p> <p>Always be open to guidance. Seek counsel from people you trust and can confide in when the going gets tough. Good luck and enjoy the ride in making a contribution to your community.</p>

If at any time you find you need to talk independently with someone about any of these matters in greater depth don't hesitate to contact *Reinforcements*.

Gary Kellar PSM – email: gary@reinforcements.com.au Ph: 0411 838 760

Graham Webb PSM – email: graham@reinforcements.com.au Ph: 0417 191 698

Or visit our website: www.reinforcements.com.au

Current to March 2020