

Sunshine Coast Regional Council 2020 Councillor Portfolio System and Protocols



Sunshine Coast
COUNCIL

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Introduction

1.0 Introduction

- 1.1 Council has operated a Councillor Portfolio system as part of its governance structure. This system provides for nominated Councillors to be assigned specific responsibilities linked to the strategic priorities of Council and the core responsibilities that it is required to discharge.
- 1.2 This document provides details of the portfolio system and the associated operating protocols.

Background

2.0 Relevant Statutory Provisions

- 2.1 Various provisions of the *Local Government Act 2009* are relevant to the portfolio system and its protocols, including:
- (a) section 12 provides for the functions and responsibilities of Councillors and the additional responsibilities of the Mayor
 - (b) section 170 (1) provides that the Mayor may give directions to the Chief Executive Officer or senior executive employees, and
 - (c) section 170 (3) provides that no Councillor (including the Mayor) may give directions to any other council employee.

3.0 Role of Portfolio Councillors

- 3.1 In addition to their responsibilities as a Councillor under the *Local Government Act 2009*, Councillors as portfolio holders are required to:
- (a) keep abreast of Council proposals, issues and activities which are relevant to their portfolio;
 - (b) act as the official Council spokesperson or representative on portfolio relevant matters; and
 - (c) provide input and advice to Council officers on portfolio relevant matters.
- 3.2 To this end, Portfolio Councillors should:
- (a) be a key point of contact and engage with industry and community groups and associations on portfolio matters;
 - (b) ensure there is consistent communication and messaging on portfolio matters;
 - (c) participate in and, where appropriate, lead any Council working groups or meetings formed in relation to relevant portfolio issues;
 - (d) provide advice and guidance to Council and the organisation on portfolio matters through participation, discussion and debate at Council meetings;
 - (e) keep the Mayor and the relevant Divisional Councillor (as appropriate) fully informed on portfolio matters;
 - (f) provide an elected representative's viewpoint and act as a sounding board for Executive Leadership Team Members and Managers on issues relating to the portfolio; and

(g) generally champion the advancement of Council's key priorities and decisions relevant to their portfolio responsibilities.

- 3.3 Portfolio Councillors do not hold any specific statutory or governance responsibilities related to their portfolio beyond those which they ordinarily hold as an elected Councillor.
- 3.4 In discharging their responsibilities as Portfolio Councillors and consistent with their role under the *Local Government Act 2009*, Councillors should maintain a focus on strategic issues relevant to their portfolio, rather than the day to day operational matters.
- 3.5 A Portfolio Councillor does not assume any of the roles, powers and functions assigned to the Mayor under the *Local Government Act 2009* unless delegated by the Mayor. This includes the portfolio responsibilities exclusively assigned to the Mayor, including Regional Advocacy and Intergovernmental Relations.

4.0 Role of the Mayor in the Portfolio System

- 4.1 Specific responsibilities are assigned to the Mayor under section 12 (4) of the *Local Government Act 2009*. These are:
- (a) leading and managing meetings of the local government at which the Mayor is the chairperson, including managing the conduct of the participants at the meetings;
 - (b) leading, managing, and providing strategic direction to, the Chief Executive Officer in order to achieve the high quality administration of the local government;
 - (c) directing the chief executive officer in accordance with a resolution, or a document adopted by resolution, of the local government;
 - (d) conducting a performance appraisal of the Chief Executive Officer, at least annually, in the way that is decided by the local government (including as a member of a committee, for example);
 - (e) ensuring that the local government promptly provides the Minister with the information about the local government area, or the local government, that is requested by the Minister;
 - (f) being a member of each standing committee of the local government;
 - (g) representing the local government at ceremonial or civic functions.
- 4.2 The Mayor undertakes a regional leadership and representational role consistent with the functions of that office. To this end, the Mayor assumes responsibilities (including as media spokesperson) for Region Shaping Projects, Regional Advocacy and Inter-Governmental Relations.
- 4.3 The Mayor's portfolio responsibilities for the Region Shaping Projects primarily focus on advocacy and representation to other levels of government and the community and investment sourcing.
- 4.4 Regional Advocacy and Intergovernmental Relations are the sole responsibility of the Mayor. Engagement with other levels of government at Ministerial level is to be managed at all times by the Mayor, consistent with the leadership and advocacy responsibilities of that role on behalf of the region. Relevant Portfolio

Councillors should participate with the Mayor (where appropriate) in any advocacy and/or engagement activities with Federal and State Ministers on matters relating to specific portfolios.

- 4.5** The Mayor is typically the spokesperson on regional issues, which include but are not necessarily limited to:
- (a)** Matters of emergency eg. floods, fires, cyclones
 - (b)** Major reputation management
 - (c)** State and/or Federal Government matters, policies, plans, initiatives and relationships
 - (d)** Opening of major facilities
 - (e)** Initiatives and projects of major regional significance
 - (f)** Region wide planning matters
 - (g)** Major regional events
 - (h)** Major regional promotions
 - (i)** National and international charity appeals
 - (j)** General commentary on the performance of the regional economy; matters impacting on or relevant to, the community generally; and matters of regional environmental significance.

5.0 Role of the Deputy Mayor in the Portfolio System

- 5.1** Section 165 (1) of the *Local Government Act 2009* provides that the Deputy Mayor acts for the Mayor during –
- (a)** the absence or temporary incapacity of the Mayor; or
 - (b)** a vacancy in the office of Mayor.
- 5.2** The Deputy Mayor plays a senior leadership role in Council in support of the Mayor. This includes both in the conduct of the business of Council and in representing the region (when the Mayor is unable to do so or as delegated by the Mayor)
- 5.3** This aspect of the role of the Deputy Mayor is additional to the portfolio responsibilities assigned to the Deputy Mayor.

6.0 Operating Protocols for the Portfolio System

- 6.1** Portfolio Councillors must be appropriately supported by the organisation to enable them to:
- (a)** be across the details of portfolio relevant proposals coming before Council;
 - (b)** be well placed to present and advocate portfolio issues within the community;
 - (c)** remain abreast of research and other developments relevant to their portfolio; and
 - (d)** understand and communicate the implications of decisions by other levels of government on portfolio matters.

- 6.2** Portfolio Councillors should be engaged by Executive Leadership Team members and Managers at the earliest opportunity:
- (a)** on all matters where there is an intention to develop a Council report;
 - (b)** where it is proposed to conduct community engagement activities; and/or
 - (c)** on matters which are likely to generate media or strong community interest.
- 6.3** In support of inclusive teamwork and co-operation between Portfolio Councillors and Council employees, Executive Leadership Team members and Managers are required to establish clear, open and regular communication with their Portfolio Councillor(s) and involve key staff in these interactions as considered appropriate. Executive Leadership Team members, Managers and relevant staff should meet regularly with their Portfolio Councillor(s) to ensure they remain abreast of current information, service issues and proposed response strategies.
- 6.4** All Council reports should be sponsored by the relevant Portfolio Councillor(s). A Councillor should not delay the progress of a report and must not seek to direct the advice and recommendations in a report. The Portfolio Councillor does not have to support the recommendations in a report but should be aware a report is proposed for the Council Agenda and is fully briefed on the content, direction and proposals in the report.
- 6.5** Executive Leadership Team members and Managers should ensure the Portfolio Councillor(s) is provided with a detailed briefing note (prior to the Agenda Review meeting) for any portfolio reports that the Councillor is sponsoring.
- 6.6** Where a matter spans the responsibilities of more than one Portfolio Councillor, the relevant Portfolio Councillors shall engage with each other at the earliest opportunity on issues and matters which span their portfolio responsibilities.

7.0 Authorities and Limitations

- 7.1** The *Local Government Act 2009* and the Portfolio system do not provide for formal delegated authority to a Portfolio Councillor for policy determination and operational decision-making for matters relevant to their portfolio.
- 7.2** The Portfolio system provides Councillors with an opportunity to develop and maintain a heightened level of knowledge, leadership and representation across the region in a specified area of responsibility.
- 7.3** The Portfolio system does not set aside or alter the provisions of the *Local Government Act 2009* which require corporate decisions on policies and resources to be reached at properly constituted Council meetings.
- 7.4** Further, the Portfolio system does not seek to set aside or amend any of the instruments nominated below. Where there is any inconsistency between the Portfolio system and a provision in any of the following instruments, the provision of the instrument shall prevail to the extent of any inconsistency:
- (a)** any other requirements of the *Local Government Act 2009* or the *Local Government Regulation 2012*;
 - (b)** the Councillor's Code of Conduct; and/or
 - (c)** the Councillors Acceptable Requests Guidelines in relation to communication between Councillors and Council staff.

8.0 Communication

- 8.1** The Portfolio Councillor(s) should be the key Council spokesperson on a portfolio related matter (other than those matters specified in section 4.0). The Mayor can also make comment on any portfolio matters and be quoted in Council releases along with the Portfolio Councillor(s) (including for media statements arising from decisions of Council).
- 8.2** Where a portfolio-related issue or project has a Divisional focus, the Portfolio Councillor(s) will assist and work with the Divisional Councillor, with the Divisional Councillor being the lead spokesperson on that matter.
- 8.3** If neither the Mayor nor Deputy Mayor is available to comment on a regional issue and/or project, a relevant Divisional Councillor or the Chief Executive Officer may act as the spokesperson in that instance for the media.