

Local Government Professionals (LGPro) calls for loopholes in legislation to be addressed

The President of LGPro, Victoria's member based organisation for officers working in Local Government has today called for legislators to give due consideration to the emerging learnings that are arising from the City of Melbourne's investigations into allegations regarding the Lord Mayor, Robert Doyle AC.

Rebecca McKenzie, LGPro President, said that the current investigation into the allegations against Lord Mayor Doyle has highlighted potential weaknesses in the legislative framework that Local Government CEOs are accountable for delivering within.

The City of Melbourne interim report, which will be considered this week, highlights a conflict between CEOs' responsibilities under health and safety legislation to act swiftly to remove potential workplace hazards, and existing Local Government Act conduct provisions for elected Councillors.

Ms McKenzie said ' Every individual working within Local Government, regardless of whether they are a Councillor or an officer, should be able to do so free from threat of bullying, harassment or intimidation of any kind. The CEO rightly has a responsibility to ensure that the Council workplace is a safe one, and that includes accountability for ensuring that hazards are mitigated or removed. Yet when it comes to elected Councillors their hands are tied. They are accountable, yet powerless to take action outside of the Councillor Conduct process which can take weeks if not months to resolve.'

'As it currently stands, in the absence of a Councillor demonstrating goodwill to remove themselves from the workplace while an investigation is in process, an alleged harasser could continue to attend meetings or events where their victim is in attendance. This leaves the CEO, and Council entity, at risk for not fulfilling their duty of care should a further incident occur.'

Ms McKenzie commented that 'Often you don't get to really test the practical implementation of legislation until you are in the trenches managing through a situation. The City of Melbourne experience has tested both the current legislative framework, and the proposed Local Government Bill as outlined in the Exposure Draft, and as I understand it they have both come up wanting.'

The Minister for Local Government has a unique opportunity over coming weeks, before the Bill passes into legislation, to take stock and ensure that this loophole is addressed. Work undertaken on the Bill has been strong so far, but failing to act to resolve this loophole is not only a missed opportunity, it could inadvertently place victims of inappropriate behaviour at risk.

LGPro will be advocating for this change in our submission to the Local Government Bill Exposure Draft and calls on all other peak bodies to do the same. Consultation closes 16 March 2018.

Rebecca McKenzie
LGPro President

5 February 2018