

CITIZENS' COMMITTEES IN LOCAL GOVERNMENT:
THE ROLE OF COMMITTEES OF MANAGEMENT IN VICTORIA

PILOT STUDY REPORT

May 2012

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Citing this report:

Bolitho , A. Hendriks C. Foulkes, C. (2012) *Citizens' Committees In Local Government: The Role of Committees of Management In Victoria. Pilot Report Study*. Research funded by the University of Western Sydney and the newDemocracy Foundation.

This report summarises the key findings from a pilot research project on local committees of management (or ‘citizens’ committees’) in Victoria. The research was supported by funds from the *Centre for Citizenship and Public Policy* at the University of Western Sydney and the non-government organisation, the *Newdemocracy* foundation. It has been undertaken by researchers from The Australian National University (ANU), University of Melbourne and Deakin University.

1. SETTING THE CONTEXT

This research project investigated the practice and deliberative potential of ‘citizen committees’ set up to advise governments. It focused on local committees of management in Victoria, in particular, the application of Section 86 (S86) committees. These committees are widely used in the local government sector in Victoria, and are a critical instrument of the *Local Government Act (1989) (Vic)*. ‘Section 86’ refers to that section of the Act whereby “Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee”, with the proviso that a council cannot delegate some powers to such committees, for example the power to declare a rate or charge, borrow money or enter into contracts to spend beyond amounts previously determined by the council (Local Government Act (Vic), 1989).

The primary goal of our research was to examine the role and function of S86 committees, particularly in terms of their:

- committee membership and legitimacy
- deliberations and decision making processes
- strengths and weaknesses, according to relevant parties such as Council staff and committee members.

A secondary goal was to identify future research questions and funding opportunities.

2. BACKGROUND

Citizens’ committees (CCs) are used extensively in Australia and many other democracies to advise governments on a range of policy areas. In Australia, they are variously referred to as local committees of management, advisory committees, boards of management or community reference groups. In North America, such committees are often termed citizen advisory committees, citizen advisory boards, public advisory committees or public liaison committees. As far as we are aware there is no standard term or definition for what we refer to in this project as ‘citizen committees’. For this reason we developed the following working definition: *Citizens’ committees are composed of community volunteers who advise governments on public policy issues on an **ongoing** basis.*

CCs vary greatly in terms of their purpose, tasks, size, formality and budgets. In Australia they are more common at the state and local level than at the federal government level. State government departments throughout Australia also commonly use stakeholder advisory committees, where select stakeholder groups provide on-going or strategy-specific advice. Here recruitment tends to focus on professionals and representative groups, often at the expense of attracting everyday citizens interested in local issues. Indeed research finds that citizen committees are

typically not representative of the broader community. For example, a US study of 30 cases of citizen committees (in the area of environmental planning) found that most committee members were unrepresentative of broader socio-economic criteria and that some significant interests were missing (Beirele and Konisky, 2000, p. 599).

At the local level, some committees such as Victoria's S86 Committees have specific delegated powers to undertake a range of management and other roles. For example, some s86 committees hold considerable managerial responsibility for public assets; others play a central role in planning decisions or in developing tourism strategies.

Citizens' committees are just one of many ways governments seek to engage with their relevant publics. On a spectrum of community engagement, from informing to empowering citizens' committees are typically labelled as 'collaborative' to the extent that they involve a degree of partnership between decision makers and the public (IAP2, 2007). What makes citizen committees especially interesting as a sites for effective public participation and community governance is that they i) are on-going and ii) are formally set up with delegated power.

Despite their prolific usage, citizen committees are a poorly understood form of community involvement. They represent a more conventional way of engaging the community, and as such have failed to attract the same level of research attention as have new experiments in community engagement, such as social enterprises, community planning groups, citizens' juries, and community conversations (see Herriman 2011; Pillora & Mckinlay 2011). Surprisingly little is known about how citizens' committees work in practice, or the extent and nature of their policy impact. It is also unclear what is needed to strengthen their capacity to contribute to policy, and democracy more broadly.

3. RESEARCH APPROACH

The project's empirical focus was on the use of committees at Surf Coast Shire Council (SCS), in south-west Victoria. Numerous committees are part of SCS's day-to-day governance. Indeed SCS notes in its governance manual that good governance which promotes the wellbeing of communities is 'the key to democracy at work' (SCS, 2009, p.3).

Surf Coast Shire

- Surf Coast has over 20 citizens' committees, including advisory committees, stakeholder groups and S86 committees. Most of its S86 committees are responsible for managing, or advising on, local facilities such as community halls, and associated sports venues and reserves.
- Some committees have a significant historical context.
- A few S86 committees play a particular role for Council, with the Planning Committee having delegated responsibility to decide some planning issues, and the Tourism Board playing a role in the Council's tourism strategies.
- Committees are accountable for budgets ranging from 'modest' to around \$200K per annum.
- In the past 5 years, Surf Coast has disbanded a number of S86s, and also created new ones.

The project employed several qualitative research methods including semi-structured interviews, focus groups and a practitioner workshop. The interviews were conducted with council staff at SCS responsible for managing, selecting or evaluating citizen committees. Two committee members were also interviewed. Table 1 details the kinds of participants we interviewed.

Table 1: Interview participants and their roles and responsibilities within SCS

Interview participants	
ROLE	RESPONSIBILITY
Manager, Community Development	Oversight of place-based S86 committees
Communication Recreation Officer 1	Officer responsible for 4 place-based S86 committees, also non-voting member of these committees
Communication Recreation Officer 2	Officer responsible for 4 place-based S86 committees, also non-voting member of these committees
Manager, Community Relations	Oversight of Tourism Board, and also community relations in general
Coordinator Tourism Marketing & Promotion	Officer responsible for Tourism Board, also non-voting member
Manager Planning & Development	Oversight of Planning Committee
Coordinator Statutory Planning	Officer responsible for Planning Committee and also non-voting member
Committee Member	Bike park Committee
Committee Member	Hall and reserve Committee

Four focus groups were also held with different SC citizens' committees to elicit feedback members on emerging research themes.

We also held a half-day state-wide Practitioner Workshop on *Local Committees of Management in Victoria* on 18 October 2011 in Melbourne. The Workshop was attended by 17 people including staff from local government and the Victorian Department of Sustainability and Environment (DSE), citizen committee members, as well as a representative from a community bank. The workshop provided an opportunity to situate the SCS experiences with citizens' committees in a broader context, and to identify practice-relevant questions for future research.

Workshop:

Councils that attended the workshop appeared to have committees fulfilling similar roles to SCS.

- A number of councils are currently reconsidering the way they use committees. For example, Wellington is reviewing its committees. Nillumbik is merging committees and roles to connect community and local government as their bushfire committee winds down with a view to the committee having a strong advocacy voice for the area.
- In relation to S86 committees, there is considerable variety across councils. For example, Wellington and East Gippsland do not have S86 committees but have non-delegated local committees of management. Golden Plains has 24 S86 committees involving 300 volunteers. Macedon has recently developed a new one-size-fits-all instrument of delegation to highlight accountability. Shepparton manages its committees through a range of departments.
- DSE has many committees with responsibilities for Crown Land, including coastal reserves that are managed by committees under the **Crown Land (Reserves) Act 1978**. Further in DSE's role as land managers, there are overlaps with local government committees, for example where a council owns a hall and DSE the associated land.

4. KEY FINDINGS: SURF COAST SHIRE (SCS) & WORKSHOP

Our research explored how citizens' committees function in the local government context. It identified particular issues relating to: ***operational aspects of committees; committee members and legitimacy; communication and decision-making; increasing professionalisation; training and learning; and committee effectiveness***. These themes provide insights for debate and discussion on how to encourage and sustain improved citizen engagement in local governance.

4.1 What do local committees of management do?

Surf Coast Shire Council - Committees working within the SCS region liaise with Council, provide minutes and financial reports to Council, and undertake a variety of work depending on their role and instrument of delegation. For example:

- advisory committees and stakeholder groups tend to focus on specific issues, such as an advisory committee on disability (these committees were not the focus of this study).
- place-based committees often manage local facilities, and some even undertake building initiatives. Most provide services such as bookings and liaise with users of facilities. They also lobby and fundraise for new plans and expansions. Some also seek to regularly involve their local community through working bees and community events.
- the Tourism Board contributes to strategy, assists with marketing, and advocates for the Shire to other businesses and external bodies.

- the Planning Committee decides planning permit applications where objections have been received to an application or where a Council staff member recommends refusing a planning application (see SCS Planning Committee, Terms of Reference).

Workshop: Workshop participants described a range of committees in use in their local government areas, and were highly familiar with the roles and responsibilities of S86 place-based committees. DSE committees manage land on behalf of the Department, according to relevant policy and strategy, e.g. the Victoria Coastal Strategy.

4.2 Committee members and legitimacy

Surf Coast Shire Council - all members of SCS committees are volunteers, and were often described as having a 'committee bent'. The participants we interviewed expressed a preference for being involved in an ongoing consultation process rather than something short term. A consequence of the sustained nature of local committees of management is that it can be difficult to attract people. In place-based committees, members are generally older citizens, and there is a good gender balance, while in the Planning Committee, members are typically male experts/professionals. In the Tourism Committee members are recruited from businesses across a geographically dispersed shire.

To select members, almost all citizens' committees at SCS rely on an Expression of Interest (EOI) process, typically by advertising in the local paper. In some cases, people are approached directly, for example, by the Chair. There does not appear to be any specific attempt to ensure that members are broadly representative of their community, for example in terms of socio-economic or ethnic groups. The representation of particular user group interests, e.g. a pony club, may be written into a committee's Terms of Reference. The Planning and Tourism committee seeks out particular industry knowledge. Geographic and business diversity is sought for members of the Tourism Board. In this case, despite seeking representation on the basis of certain characteristics, members are encouraged to participate free of interests or agendas; one interviewee described how important it is for 'committee members to take off their hats at the door'.

Managers do not appear to frame committee members in S86 committees as citizens contributing to democracy, but rather put the focus on their functional input. In other words, committee legitimacy appears to be largely based on what committees do and achieve (rather than on who participates).

Workshop: There was general agreement amongst staff from SCS, other councils and DSE on the issue of committee legitimacy. Workshop participants spoke of committees in functional terms: providing local knowledge; doing work Councils and State government cannot do and would find expensive to carry out. One workshop participant suggested uncomfortably that volunteers 'are treated as employees and provide a great bang for our buck.' All workshop participants acknowledged that the representation of committee members is viewed narrowly.

4.3 Communication and decision-making

Surf Coast Shire Council

- The Terms of Reference are well understood by committee members, and the 'instrument of delegation' is often on the table in meetings or referred to in the course of work.
- A good Chair was identified as an asset for effective committee work. Most interviewees also described a willingness to compromise on the part of members. Tensions within committees appear to be rare, and according to interviewees decisions are reached through discussion or put to the vote when issues are contentious.
- We noted a tension in S86 decision-making: several interviewees stated that many committees tend to restrict decisions to those that they believe council will support. At the same time many committee members are also keen to keep the community onside, and thus sometimes shied away from making difficult decisions.
- Some interviewees held the view that committees take a conservative approach; 'they tend to work within their historic comfort zone.'

Workshop: The level of committees' capacity to understand and articulate their Terms of Reference appeared to vary considerably. Further, not all workshop participants agreed that committees are willing to compromise. One person suggested, 'It would be nice if footy/sporting clubs were willing to compromise' and others appeared to agree. The notion of committees working within a historic comfort zone provoked considerable discussion. There was an emphasis on the importance of support, of harnessing volunteers' passion without over-stretching them. It appears that different councils liaise with, and support their committees to varying degrees. In the case of DSE with its concerns for appropriate land and coastal management, the department works with its bigger committees to develop their own management plans, which provide the framework for how they manage and spend income generated from leasing or licensing fees, camping fees, or setting fees for other uses.

4.4 Increasing professionalisation

Surf Coast Shire Council - As communities grow, S86 committees are becoming more structured, formalised and as one interviewee put it 'professionalised'. As a result, their procedures, agendas and meetings now tend to be tighter in structure and focus. This professionalisation has frustrated some committee members who would prefer to get on with their delegated tasks rather than dealing with "bureaucratic demands" such as writing reports and preparing business plans. In one instance a committee member who previously held the role of Chair expressed relief at returning to an ordinary member role and being able to be a 'doing' person again.

Workshop: Formalisation and risk were two important themes for the majority of workshop participants. Workshop participants described the increased workload associated with formalisation, and noted that some committees are threatened by it. Reporting was seen as a burdensome task 'which is not what people volunteer to do'.

DSE experiences additional 'professionalisation' issues in relation to environmental values in managing land use, for example, there may be a tension between the fee income from campers and protecting environmental values, along with the responsibility to balance the books. The committees understand their role as local managers, and would not want to see DSE dictating to them.

From the perspective of the community bank (a community bank provides banking services as a normal bank however the bank is owned by community shareholders and bank profits are shared 1/3 to community organisations, 1/3 to community shareholders and 1/3 goes back into growing the business) the S86 committee is of great value as a structure deeply seated within the community, yet allowing their investment to be secured through the relationship to Council.

Devolved risk management

Closely related to the issue of professionalisation is the challenge of ensuring that committees are adequately equipped to deal with risk. Citizens' committees operate within the same climate of legal compliance and risk management that surrounds most governments in Australia today. In Victoria this issue has been given recent attention, following on from the publication of a guide on resolving conflicts of interest for local councillors (Victorian Government, 2011). How delegated committees work in the context of risk aversion, and legal compliance was a recurrent theme most notably at the workshop and to a lesser extent in the interviews with Council staff and committee members.

4.6 Opportunities for training and learning

Surf Coast Shire Council

- Despite the increased professionalisation, there appears to be very little training for committees.
- Council staff and committee members alike viewed the induction program as an important element in the learning process for new and existing committee members.
- Council staff give ongoing support to assist with access to Council capacity, linking committees with service organisations or appropriate people, as well as co-writing funding applications
- At the time of our empirical research, a training program was under development by Council for community committees, with workshops on business planning and healthy organisations. Other training and support needs were also being explored.

Workshop: A number of councils have training calendars, with events on offer for committee members. DSE offers considerable support to its larger committees in business planning, financial projections, and on policy and strategy. Many councils and DSE reported difficulties in getting committee members to attend training; the time demands of volunteering are onerous enough without training.

4.7 Effectiveness

Surf Coast Shire Council

- There was a general impression that committees do a better job at managing community facilities than council because committee members care.
- Council staff do a great deal to promote clarity about committees' purpose and role, a key success factor identified in some practical literature for effective committee operation (CDC, 2008).

- Council staff put a premium on communication and liaison with committees, which committee members also valued
- Neither Council staff nor committee members spoke of committee independence as a contributor to effectiveness.
- There appears to be considerable common ground between committee members and Council staff in relation to committee purpose, efforts and requirements for technical support. Committees are most effective when they feel their efforts are making a difference. Yet some interviewees felt that the influence of committees on council has waxed and waned with different council incumbents.
- Some committee members complained that Council do not always seem to take their ideas/initiatives/expertise seriously.
- Council staff viewed the instrument of delegation as a way of maintaining focus and as playing a role in the effectiveness of S86 committees. In the past, committees may have lost focus by discussing things that they have little control over.
- Effective fundraising and the capacity to work with budgets were seen by council staff to be key motivators and drivers for effective committees. The ability to raise and spend funds was also a strong element of committee members' perception of their work and direction.
- Successful committees are seen as effective decision-making bodies. Council staff were less interested in procedures/processes of S86 committees and more interested in their capacity to do effective work and make decisions. A committee's effectiveness, thus, is judged through their capacity to generate good outcomes (output legitimacy) and not based on who is involved (input legitimacy), or the processes within the committee (procedural legitimacy).

Workshop: Most workshop participants agreed that committees do a better job of looking after local assets than local government or state government agencies. Some of the issues discussed in relation to effectiveness include: trust between councils and committee members, making a difference, as well as clarity in relation to roles, structure and remit. Everyone agreed on the importance to committee members of making a difference. Interestingly, committee independence was not highlighted as an element of effectiveness.

5. FUTURE RESEARCH AND SUGGESTIONS

S86 committees are legitimate council instruments with a high degree of potential for the local government sector. At the same time their informal practices reflect their community and historical context, and as such they do not always meet the kinds of institutional expectations that characterise local government today. This is also true with DSE committees. Our empirical findings speak to broader themes in public participation and local governance. In particular the challenge of encouraging effective and sustainable sites of community engagement.

A number of broader research questions have been identified in this pilot study, which we hope to pursue with additional research funding. Future research themes and questions include:

1. Understanding more about the added value of S86 committees:

- a) How do S86 committees differ from standard forms of advisory committees or project based committees, both in the regional and urban context?
- b) What is the influence of the instrument of delegation on committee practice?

2. Our pilot study revealed a tension between giving committees the opportunity to be a community voice, while at the same time making sure that they get on with the administrative work of local government that they are tasked to do.

- a) How could communication between S86 committees and council be enhanced?
- b) How do the power differentials between managers and citizens, managers and council, and citizens and council affect the functioning of committees?
- c) While Council staff appear crucial in ensuring that committees operate effectively, what are the risks and democratic dangers of their involvement?

3. There also appears to be a tension within S86 committees between making their procedures inclusive and deliberative, while at the same time ensuring that the committee works effectively. The task of many committees is operation-focused rather than on developing capacities in a democratic setting. As a result achieving representation (for legitimacy) is not seen as necessary and as one manager put it 'more people would risk the committee losing focus'. This speaks to broader tension (one that also faces the public sector); S86 committees have delegated responsibilities and so need to get on with their administrative duties, yet unlike many other consultative committees, S86 committees also have to demonstrate that they are effectively producing outputs for their communities.

- a) To what extent do S86 committees seek to be inclusive and deliberative (input legitimacy), and how does this affect their capacity to produce effective outputs (output legitimacy)?
- b) How do S86 committees fulfil their legal and administrative duties while also demonstrating that they are effectively producing outputs for their communities?

4. Deliberative democracy literature calls for more sustainable forms of public engagement, and argues that public forums need to be better connected to existing governance practices and structures. CCs in Victoria are embedded and they have longevity; but they seem to fall down in terms of their inclusivity and deliberative potential. Many questions follow:

- a) How might these committees fulfil demands for broader citizen engagement?
- b) How might these committees connect to broader citizen focussed forms of engagement such as Citizens' Juries?
- c) What are the synergies/conflicts with new forms of participation?

5. The relationship between citizen committees and power poses interesting questions. Citizens' committees are not immune to local/state politics. As local and state governments have changed so has the capacity of different committees to affect change. There has also been an explicit attempt to use committees to remove the 'politics' from issues. For example, planning committees (and tourism to a lesser extent) seem to be highly technocratic and aimed specifically at taking the politics out of planning. To what extent is this possible and desirable to take politics out of these decisions in this way?

6. EMERGING SUGGESTIONS FOR SURF COAST SHIRE

Various suggestions were raised by those who participated in our research, that they believed would maintain and improve the function of S86 Committees:

- Place a high value on communication between committees and Council
 - Committees look to Council for technical support and committee members see significant value in the formal and informal channels that make this possible
 - Committees depend on Council staff for follow through and committee members highlighted the importance of communication back to them when issues are raised
 - Council could make better use of committees; sometimes council does not refer enough to committees' recommendations or use them as a resource
 - Some committee members expressed a desire for greater links with Council (especially where there was at the time no active Council liaison)
 - Some committee members would like to be consulted by council about broader issues and strategic directions
- Actively seek to increase diversity of committee members in committees. Need to recruit new and younger committee members to supplement and eventually replace older members. Practices of existing chairs in recruiting for diversity should be noted and broadly encouraged
- More training is required to assist members navigate the increasing range of tasks that they are expected to perform. Skills/training needs to be understood in broad terms not just technical training but also training in procedural matters e.g. facilitation training for new chairs.
- Move beyond just managing facilities towards using committees as sounding boards for broader council/strategic issues facing the region
- There could be a standing item on council to get regular verbal input from committees (rather than a written report) where possible.
- S86 committees should have more influence, otherwise they are just another advisory committee
- Need to enhance community awareness of S86 committees and their community value

- More consideration of the future of citizen committees especially given trends for more one-off forms of citizen engagement.

In conclusion, the problem of recruitment to committees, along with growing institutional expectations of S86 committees stood out as ongoing and future issues. Together they provide a subject that warrants critical consideration by Council, along with exploration of the unusual potential of these committees. This investigation could be undertaken in collaboration with its committees, for example through a specific advisory group.

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