

Local Government Act 1989 Review **Banyule City Council Submission**

The role of Councils

- The key roles of Councils should include to:
 - act as a representative government for the local community
 - advocate for the interests of the local community within their own LG or to other communities and governments
 - facilitate community cohesion and encourage active participation in civic life
- Describing the roles in the legislation helps facilitate understanding of them. Retain and improve these.
- There is opportunity to improve the balance of prescriptiveness in the legislation – prescriptive enough that Councils and Community can clearly understand exactly what is expected (broad or detailed as appropriate for the particular section) - and supported by Guidelines that are developed by State Gov't working together with the LG sector to develop the guidelines.

Local Laws

- The idea of a model local law that councils can select from is appealing and efficient approach that should be explored further.
- The indexing of penalties should also occur.

Procurement

- The threshold in seeking ministerial exemption under section 186 is too onerous and Council often needs to enter into contracts with non-contestable entities where the expenditure is over 200K and there is only one provider.
- Suggest that CEOs be granted authority to approve expenditure over the tendering threshold in one or all of the following circumstances:
 1. where the Council has resolved that the contract must be entered into because of an emergency
 2. The expenditure is for non-contestable goods or services
 3. Where Council seeks to delay a tender in order to enter into a collaborative tendering arrangement with other Councils
 4. Where delaying the tender will result in a more favourable outcome for Council.
- Any contract entered into using one of the four exemptions will need to abide by the following process:
 - The purchase must be approved by Council or an officer delegated to enter into the level of expenditure
 - Council's Audit Committee must be notified
 - The purchase and the reason for Council entering into the contract must be published in the annual report and any other public domain considered appropriate by Council.

Council Elections

- There is concern about the proposal to include 'How to Vote' material in the VEC postal election packs as it may encourage 'dummy candidates' to stand for the purpose of siphoning preferences.

Consultation and Engagement

- There is merit in having a more general requirement for councils to consult. Consultation is currently buried in Best Value, though councils generally understand and practice consultation more broadly, and as a governance underpinning.

- The imposition of the 28 days advertising period in newspapers for major documents such as the budget and Council plans needs to be reconsidered. This is too late in the process for real change and engagement. There is a need for a range of consultation and engagement methods much earlier in the planning and decision making process. The requirement to advertise in newspapers is an out-dated and blunt process that is not necessary.
- Councils should be able to demonstrate a range of processes and tools that they have used to inform, consult and engage in their planning and decision making. There is not a 'one-size fits all for consultation, Councils use a range of methods to engage with different segments of the community to ensure that the needs and interests of the whole of the municipality are considered in planning.
- Community input should only ever be one input into the decision making process, and needs to be considered together with demographic data, research, legislative requirements, and the need for long term planning and investment.

Service Delivery and Financial Decision Making

- Best Value is a fairly broad approach now and the demonstration of Best Value is somewhat rubbery. There is a need for Continuous Improvement practices to be strengthened in the sector. Whether this is through stronger Asset Management Planning, Service Planning, Integration, Best Value tweaks, or more transparent evidence-based planning mechanisms remains for discussion.
- The Act currently has no framework for regional collaboration/shared services and actually impedes action in this space. Need to remove impediments and consider what would be good for the sector into the future, to ensure council nimbleness, with accountabilities (risk assessment) to the community.

General

- Readability and ease of use – amendments, latest versions, links to Regulations, etc. There is an opportunity to make the Act clearer, easier to understand, and say why something is required.
- Consider including a brief 'purpose statement' as an introduction to each key Section (or each Part). This will more clearly articulate the particular intent of each Section or Part.
- Improve the links between different parts of legislation in terms of their interaction (and the clarity and understanding of how these integrate). An example is the reporting in the Annual Report and the confusing aspects around how this works in with reporting required for the Municipal Public Health and Wellbeing Plan, National Competition Policy, Victorian Local Government Indicators, Carers Recognition Act, and also Best Value. Guidance on what should be reported where would be helpful – this might require prescriptiveness in the Act supported by guidelines (similar to the recent LG Practice Guides).