

Submission to Discussion Paper

Name	Anita Voros
Suburb	Balwyn north
Age*	52
Gender*	f

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Organisation/council name:	
Position/job title	
Are you providing this submission on behalf of yourself or the organisation?	Myself / Organisation

On the following pages are questions on each chapter of the discussion paper to assist you in the preparation of your submission. In addition, there is space at the end of the document to add your own views/comments on any matters relating to the Local Government Act review.

Discussion paper questions

Chapter 2 – The role of councils

1. What should the key roles and functions of council be?
2. Does describing the key objectives, roles and functions of councils in the *Local Government Act 1989* ('the Act') assist councillors, council staff and members of the community understand the role that councils play? Should these key objectives, roles and functions be retained in the Act or revised in any way?
3. What powers are required by councils to perform these roles and functions? Should there be any limitations to council powers?
4. Which provisions in the Act should be normative (setting out desirable behaviour) general (setting out broad principles to be followed) and which should set out prescriptive (detailed) requirements?
5. Should the legislation provide consequences such as penalties or sanctions, for any non-compliance with either the general and prescriptive provisions? If so, what form should these take?
6. Do you have any other questions/comments about the content in this chapter?

Response:

1. to serve the electorate, be democratic, listen to all feedback, respond to all feedback, do not ever try to stop, gag residents when they are asking questions, providing feedback. Especially boroondara council needs to understand that they are there for the residents, not the other way around.
2. There should be regulations re how to deal with feedback, questions from the residents. Maintenance of a publicly accessible audio-visual recording of all Council proceedings should be mandated. Councillors in Boroondara have called into question the motivation and integrity of members of the public on particular issues comfortable in the knowledge that their words are unable to be challenged or quoted back to them which is undemocratic borderline dictatorial. Councils expenditure should be detailed and rate increases, decreases in services, planned expenditures should be proposed and agreed upon by residents.
3. There should be regulations re how to deal with feedback, questions from the residents. Maintenance of a publicly accessible audio-visual recording of

all Council proceedings should be mandated.

The maintenance of complete and accurate minutes of Council proceedings (the minutes of Boroondara meetings are often incomplete/ inaccurate I have noticed, including in relation to Public Question Time;

- Recording of the votes in all Council proceedings (these are currently only provided for when divisions are called, otherwise the voting record of individual councillors are not noted);

- Retention of Council meeting minutes and agenda papers on the council website for a minimum period of 10 years . Currently Boroondara retains these documents for only about four years. They have refused my request that this period be extended. I suggest a minimum of ten years, as is already practiced by some other local government bodies, be stipulated in the Local Government Act. Ten year cycles might be considered an absolute minimum for the assessment of many financial and economic trends); and

- The provision of open, timely and evidence based public consultation on major issues, including the public work shopping of significant issues. (Currently, Boroondara's public consultation processes are highly superficial and often undertaken for the purpose of legitimising decisions, which have for all practical purposes, been well and truly made. Boroondara's recent review on open space very much falls into this category).

5) penalties should include 2 warnings followed by the dismissal of the mayor and the deputy. There should be no time restraint – warnings should be able to be issued Within a month apart.

Chapter 3 – How councils are elected

1. What are the key elements of a system aimed at ensuring the integrity of council elections that should be included in the Act?
2. To ensure integrity of the electoral system should additional powers be provided to:
 - a) the Minister?
 - b) the Victorian Electoral Commission?
 - c) council CEOs?
3. Do you have any other questions/comments about the content in this chapter?

Response:

1. no comment

Chapter 4 – How councils operate

1. What are the critical elements of a council's operations that should be governed by the Act (e.g. requirements for mayoral elections, notice of, and requirements for open meetings)?
2. What penalties or sanctions should be imposed on councils who do not comply with the requirements relating to their operations?
3. Do you have any other questions/comments about the content in this chapter?

Response:

1.

Boroondara Council's actions are severely restricting public question time and I am asking that the Local Government Act be amended to remove the power vested in Councils' to restrict our voice in this way.

I am be asking that the following requirements also be placed on all councils :

- Live broadcasting of council meetings (some Councils in Victoria, including Bayside Council which streams live video and audio of their Council proceedings, already do this but not Boroondara);
- Maintenance of a publicly accessible audio-visual recording of all Council proceedings. (Councillors in Boroondara have called into question the motivation and integrity of members of the public on particular issues comfortable in the knowledge that their words are unable to be challenged or quoted back to them);
- The maintenance of complete and accurate minutes of Council proceedings (the minutes of Boroondara meetings are often incomplete/ inaccurate I have noticed, including in relation to Public Question Time;
- Recording of the votes in all Council proceedings (these are currently only provided for when divisions are called, otherwise the voting record of individual councillors are not noted);
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Chapter 5 – Planning and reporting

1. What requirements should be imposed in the Act on councils in relation to planning and reporting on their strategy, budget and operations?
2. Can council planning and reporting processes be streamlined? If so, how?
3. What rights should be granted to ratepayers to better contribute to council planning and reporting processes?
4. What sanctions should be imposed on councils not complying with planning and reporting requirements?
5. Do you have any other questions/comments about the content in this chapter?

Response:

1. Detailed planning should be available for comments 3 months in advance. Full access should be provided to all feedbacks within 48 they come through, not only at the end of the comment period. Plans should not be allowed to be accepted unless the residents had at least 4 weeks to respond. Council has to respond to all feedback, suggestion etc and display their responses together with the residents feedback within 48 hours of providing feedback. Feedback should be provided within 5 working days to each residents comments.

4 - penalties should include 2 warnings followed by the dismissal of the mayor and the deputy. There should be no time restraint – warnings should be able to be issued Within a month apart.

Chapter 6 – Council rates and charges

1. Is the current method of declaring rates and charges based on “land” still appropriate?
2. What powers do councils require in relation to levying rates and charges?
3. What obligations or restrictions should be imposed on councils in relation to these powers?
4. What rights should rate-payers have in relation to the exercise of councils powers in relation to levying rates and charges?
5. Should there be detailed legislative provisions regarding processes associated with levying rates and charges? If so, are the current processes for levying rates and charges in the Act appropriate? If not, what changes should be made?
6. What sanctions should be imposed on councils failing to comply with the requirements relating to levying rates and charges?
7. Do you have any other questions/comments about the content in this chapter?

Response:

2, councils should not determine changes to rates and services without due consultation with the residents. Their planning and reasoning should be available on the website 3 months in advance for feedback.

4) If residents are reluctant to pay extra to support a full time waiter ie borroondara council, or any other ‘service’ that is unique to one or two councils only, should be scrapped. Savings through decrease of services should be clearly identified, reasoned and if residents disagree with the proposed changes, should be scrapped. Councils are there to serve, to plan but not there to know better what the residents need, the residents whose money they are playing with.

Chapter 7 – Service delivery and financial decision-making

1. What powers do councils need to undertake their financial decision-making functions?
2. What obligations or restrictions should be imposed on councils in relation to their financial decision-making functions?
3. Should the Act contain detailed processes regarding councils financial decision-making? If so, what sanctions should apply for non-compliance with these requirements?
4. Do you have any other questions/comments about the content in this chapter?

Response:

1. Councils are there to serve, to plan but not there to know better what the residents need, the residents who's money they are playing with. Councils should not make decisions without the agreement of the majority of residents.
- 2) penalties should include 2 warnings followed by the dismissal of the mayor and the deputy. There should be no time restraint – warnings should be able to be issued Within a month apart.

Chapter 8 – Councillor conduct, offences and enforcement

1. Do standards of councillor conduct need to be improved? If so, how can this be achieved?
2. What powers do councils need to deal with instances of councillor misconduct?
3. Does the system of councillor conduct panels need to be improved? If so, how?
4. Is there a need for additional offences to be included in the Act? If so, what are they?
5. Is there a need to improve investigation and enforcement of the Act in any way? If so, how?
6. Do you have any other questions/comments about the content in this chapter?

Response:

1. As councillors are representing the residents, for most inappropriate conduct 2 warnings and dismissal should apply. Sexual, financial, fraud, racial misconduct should result in immediate dismissal.

Chapter 9 – Ministerial powers

1. Should the role of the minister be described in the Act? And if so, how should this be described?
2. What powers should be provided to the minister in the Act in relation to:
 - a) the structure of the sector (i.e. circumstances in which new councils are established or existing councils amalgamated, numbers of councillors etc)?
 - b) to ensure councils comply with the Act?
 - c) to ensure the integrity of governance and standards of behaviour?
 - d) What penalties should be included in the Act in relation to councils not complying with the exercise of the minister's powers?
3. Do you have any other questions/comments about the content in this chapter?

Response:

1.

No comment

Chapter 10 – Harmonisation of the Local Government Act

1. What aspects of the Act should be amended to better harmonise with related legislation?
2. How can council responsibilities in relation to other legislation be made clearer?
3. Are there provisions in the Act that could be improved to clarify their interaction with other legislation? How could they be improved?
4. Is there other Victorian legislation that inappropriately impacts on provisions under the current Act that could be improved or clarified? How could they be improved?
5. Does the Act contain any matters that should be transferred to other Victorian legislation? If so, why?
6. Do you have any other questions/comments about the content in this chapter?

Response:

1.

No comment

Any other comments?

Do you have any other questions/comments not raised in the above chapters?

Response:

1.

No comment.

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DELWP (Review of Local Govt Act 1989) - Privacy Policy

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We collect information from you when you register to use the website www.yourcouncilyourcommunity.vic.gov.au. This information may vary depending on the specific needs of DELWP (Review of Local Govt Act 1989), however, at a minimum is includes your:

- Screen Name
- Email Address

Additional demographic information such as your age, sex, suburb and interests may also be collected at this time.

Why do we collect this information?

To Collect and Collate your Feedback to Inform Better Policy

The principle reason for collecting this information is to help inform the creation of better policy. The information is therefore provided to DELWP (Review of Local Govt Act 1989) for analysis and interpretation at their discretion.

To Send you Periodic Emails

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To Improve the Website & Software

The principle use of this information by Bang the Table is to help us to improve this website and the software that underpins it. We are continually striving to improve the experience of our participants based on your feedback.

Who has access to this information?

When you sign up for a user account you provide three types of information:

1. Publicly available information
2. Information available to both DELWP (Review of Local Govt Act 1989) and Bang the Table
3. Information available to Bang the Table only

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Publicly available information is limited to your screen name and any comments you leave under that name in the forums or other tools on the site.

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Individual survey responses, voting patterns and quick poll responses will not immediately be made available publicly on the site, however, feedback (including overall results of polls and surveys, and in some instances, unidentifiable and randomly chosen quotes or comments from surveys) may be published in publicly available reports at the end of the consultation period.

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- Comments
- Survey, Quick Poll, and comment voting responses
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