

Submission to Discussion Paper

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If you work in an organisation/council, please provide the following information:

Organisation/council name:	The Geelong Chamber of Commerce
Position/job title	Chief Executive Officer
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.

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.

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.

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.

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:

1.

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.

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.

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.

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.

Any other comments?

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

Response:

1.

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geelongchamber**of**commerce
the voice of business

Submission to:

**Review of the
Local Government Act 1989**

16 December 2015

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1 Summary

1.1 Recommendations

The Geelong Chamber of Commerce supports the following recommendations:

1. Legislation be changed to allow the adoption of VEC recommendations 6 and 7, as outlined in the *Report on Conduct of the 2012 Local Government Elections*, to facilitate easy submission of Candidate Information by candidates, as well as ensuring easy access to this information for voters.
2. All candidates be required to submit a 200 word Candidate Statement, in addition to the 150-word statement that appears on How to Vote Cards, outlining their key policies, volunteering experience, business and/or employment experience, Committee and/or Board experience, suburb or township of residency, significant campaign donors and memberships to organisations - including political parties. This information should be easily accessible for voters, including online on websites and social media managed by the VEC.
3. The introduction of First Past the Post voting system to elect general councillors in the City of Greater Geelong municipality.
4. A \$1000 cap be applied to candidate donations from a single person, or entity including corporation, industry organisation, peak industry body, religious institution or community organisation.
5. Council Officers be given the ability to implement works and/or projects, including awarding significant tenders, during the caretaker period - provided the decision to implement these works and/or projects was made, and funds were allocated via an approved budget process, by Council prior to the beginning of the caretaker period.
6. The Council CEO be the only person authorised to make media announcements and statements relating to Council activity during the caretaker period.
7. The VEC investigates options for online voting or voting via Apps as an alternative voting method.
8. Postal voting should be installed as the uniform voting method across Victorian municipalities.
9. The current ward system to be changed to reduce unnecessary competition for resources and to provide a more whole of region focus.
10. The model for the Directly Elected Mayor for Greater Geelong be changed prior to the next Council election to be based on the successful Melbourne model, whereby a Mayor and Deputy Mayor are elected as a team.
11. That the Directly Elected Mayor of Greater Geelong be granted executive powers to enable decisions to be made effectively and implemented expeditiously.
12. A First Past the Post voting system be introduced to elect the Directly Elected Mayor, and Deputy Mayor, for Greater Geelong.

1.2 About the Geelong Chamber of Commerce

The Geelong Chamber of Commerce is one of Australia's leading regional business bodies, boasting a membership of over 850 and a long, rich and successful history of advocating on behalf of Geelong businesses.

As Geelong's premier business representative body, the Chamber advocates on behalf of all forms of business - micro, small, medium and large - ensuring industries have a say on the issues that impact upon the economic viability of business and the region as a whole.

2. Issues Requiring Attention

2.1 Candidate Information

The Geelong Chamber of Commerce holds the view that voters should have access to comprehensive information about candidates to enable them to make informed decisions during a ballot. As such, the Chamber advocates that a requirement be introduced making it mandatory for all candidates to submit a 200 word Candidate Statement in a structured format that requires information including:

- Key policies
- Volunteering experience
- Business and/or employment experience
- Committee and/or Board experience
- Suburb or township of residency
- Membership to organisations - including political parties
- Campaign donors, cash or in-kind, of \$500 or more be listed (see more in Section 2.3 of this report).

This Candidate Statement should be in addition to the 150-word statement that appears on How To Vote Cards, and should be a public document made available to voters via the media and VEC websites, as managed by the Returning Officer. This Candidate Statement should also include a photograph and include links to the candidate's website, blog, Twitter and Facebook accounts.

The Chamber does not see this requirement as a breach of candidate privacy, but rather an acceptance by the candidate that their nomination places them in the public realm and that voters have a reasonable expectation of access to information they need to enable informed voting decisions in local government elections.

2.2 Candidate Participation

The requirement of a substantial Candidate Statement (as discussed in Section (2.1 of this report) will assist voters in identifying candidates with a sincere intention to become a Local Government councillor, from those who have sought candidacy with the single intention of assisting another candidate via favorable preferences, or 'dummy candidates'.

The Chamber would like to see a voting system introduced that negates the effect of 'dummy candidates' - such a First Past the Post or Optional Preferential Voting, so voters are not compelled to place a preference beside a candidate they do not support, or believe is a 'dummy candidate' (see more in Section 2.8). It is felt the current preferential system encourages candidates to nominate for Council, who have no intention to represent their community and could lead to the election of candidates with little interest in representing their community.

The Chamber also believes the City of Greater Geelong ward structure should be amended from 12 single councillor wards to four large two-member wards and an additional pool of councillors - at
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large - elected to perform a strategic role with a focus on the economic and structural revitalisation of central Geelong (as discussed in Section 2.7 of this report).

2.3 Donations

It is the Chamber's view that candidates continue to be allowed to receive campaign donations, as often these donations are a reflection of grassroots support for the candidate within their community. However, the Chamber does believe there should be a cap on donations to ensure a level playing field for all candidates.

Although the Chamber supports the concept of donations to candidates, it also strongly endorses the need for transparency and regulation of campaign donations to minimise potential conflict of interest and/or undue influence on decision making by donors who may form a sense of 'entitlement' from supporting a preferred candidate.

The Chamber also believes voters should have access to campaign donation information so they know which individuals or organisations are supporting candidates financially, or with in-kind support, and can therefore make an informed voting decision.

As such, the Chamber recommends that:

- The status quo be upheld and that campaign donations, cash or in-kind, of \$500 or more be disclosed via a Campaign Donation Return lodged within 40 days of election day.
- A \$1000 cap be applied to candidate donations from a single person, or entity including corporation, industry organisation, peak industry body, religious institution or community organisation.
- A list of campaign donations, cash or in-kind, of \$500 or more be listed as part of the Candidate Statement (described in Section 2.1 of this report), if donations are received after submission of this statement the Returning Officer should be notified within 24 hours of the being received, so the statement can be updated online.

2.4 Caretaker Period

In the interests of continuity, the Chamber believes Council Officers should have the ability to implement works and/or projects, including awarding significant tenders, during the caretaker period - provided the decision to implement these works and/or projects was made, and funds were allocated via an approved budget process, by Council prior to the beginning of the caretaker period.

It is also the Chamber's view that during the caretaker period, the Council CEO be the only person authorised to make media announcements and statements relating to Council activity during the caretaker period to allow the organisation to continue Council business.

2.5 Voting Method

2.5.1 Polling Method

The Chamber supports the postal polling method, as currently used in Geelong for its cost effectiveness. However, to improve participation, other methods should also be investigated by the VEC such as online voting or voting via Apps, which are methods currently employed overseas.

In the meantime, the Chamber believes that postal voting should become the uniform voting method across Victoria due to its high participation rate, convenience and cost effectiveness.

2.5.2 Encouraging Eligible Voters to Vote

The Chamber sees informal voting as evidence of a disengaged community and holds the view that an informed community that understands the issues in their area is much less likely to see informal voting as an 'easy option'.

As such, the Chamber advocates simple, yet comprehensive information about councillors, and their platforms, be delivered to voters (see Section 2.1) in ways that ensure easy access by voters, such as online via websites and social media delivered by the VEC.

2.6 Councillor Numbers

It is the Chamber's view that the 12 single ward system with the Mayor as a 13th councillor grafted on top of the 12 wards as currently employed for the City of Greater Geelong, should be amended. (see more in Section 2.7).

2.7 Ward Structures

The Chamber has a strong view that while the current standing of 12 single ward councillors may offer individual representation for ratepayers, this system does not serve the city as a whole as ward councillors tend to develop a narrow focus, pushing resources to their own wards rather than looking at the overriding regional priorities and encouraging a strategic focus to benefit all areas of the municipality.

The Chamber believes the ward structure of the City of Greater Geelong should be amended to one of the following models:

1. Remove wards completely – fully unsubdivided with all councillors "at large". This model removes competition for resources, focusses priorities across the region and provides an opportunity to re-think ratepayer services and issues; or
2. Reduce the number of wards to allow for a mix of local ward representation and councillors at large (for example, incorporate a mix of four dual member wards with an additional unsubdivided structure (or councillors at large) to facilitate a mix of local representation and strategic direction for the future; or
3. Consolidate wards into large regions with multiple councillor representation. This model provides a whole of region focus, reduces the number of councillors and retains area-based representation for ratepayers.

2.8 Vote Counting Systems

As outlined in Section 2.2, the Chamber is concerned about the impact of 'dummy candidates' and advocates a change from the full preferential voting system to a 'First Past the Post' system.

It is the Chamber's view that it is difficult for voters to know all candidates and make an informed decision on the priority of voting, therefore the full preferential voting system is flawed and is open to manipulation via dummy candidates.

2.9 Directly Elected Mayor

2.9.1 Dual Model

The Geelong Chamber of Commerce supports the election of a Mayor and Deputy Mayor as a team, as per the dual model used for the City of Melbourne. The Chamber also supports the concept of the Mayor running on a ticket. The Mayor would then come with a voting block to support implementation of agenda, providing greater clarity of the political agenda and more clearly defined political alliances.

It is the Chamber's view that the 'team concept' attracts candidates of higher calibre, as they would submit their candidacy for Mayor or Deputy Mayor confident in the knowledge that, if elected, they would have mutual support of an ally and the endorsement of the people to enact their vision. This view has been cemented in light of the resignation of Geelong's first Directly Elected Mayor and the difficulty experienced by Geelong's second Directly Elected Mayor in gaining support to implement their mandate.

2.9.2 Single or Dual Nominations

The Chamber believes that candidates for the positions of Mayor and Deputy Mayor should not be eligible to stand as candidates for election as ordinary councillors in the same election. The Chamber believes the risk that failed Mayoral candidates on the Council may be disruptive outweighs the concern that preventing candidates from standing in both forums may result in a loss of talent.

It is also the Chamber's view that role of Directly Elected Mayor is one of leadership, and a true leader is unlikely to want to 'hedge their bets' and offer themselves as candidates for both positions.

2.9.3 Directly Elected Mayor Executive Powers

To enable the Directly Elected Mayor to be able to fulfill their role effectively and implement decisions expeditiously, the Chamber believes the Directly Elected Mayor must be granted Executive Powers to ensure they are in a position to uphold the mandate given to them by the people of Geelong. Depending on the model adopted there may be a requirement to give the Directly Elected Mayor Executive Powers that would enable them to implement their mandate, however the scope of these powers would need to be carefully considered to ensure the appropriate checks and balances are maintained.

2.9.4 Method of Election

A First Past the Post voting system should be employed to elect the Mayor and Deputy Mayor of the City of Greater Geelong. It is the Chamber's view that voters find it difficult to know and understand the policies of all candidates, especially in a large field - as has been the case in the past in Geelong - and therefore the current full preferential voting system is flawed.