

Submission to Discussion Paper

Name	
Suburb	
Age*	
Gender*	

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

Organisation/council name:	Pyrenees Shire Council
Position/job title	Director Corporate & Community Services
Are you providing this submission on behalf of yourself or the organisation?	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 behavior) 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?

1. The Role of councils (Chapter 2)

- Minister's Role
 - PSC supports a focus shift of the Minister's role from one of overseeing the operations of councils to one of advocacy and in particular the advocacy and support regarding the strengthening of the financial viability and sustainability of small rural councils.
- Role & Powers of Council
 - PSC believes that the practice of using Local Government as a collection agency on behalf the State Government places is an unfair burden on councils particularly low resource small rural councils and should cease.
 - Being a tax collector for other levels of government also creates confusion in the community as to our role and work with ratepayer funds on our own priorities.



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- Sector Consultation on Legislative Changes
 - PSC believes that far greater consultation needs to be undertaken with Councils prior to amending legislation to better inform changes and to ensure that the impacts of the changes are fully understood.

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?

1. How councils are elected (Chapter 3)

- Representational Ratios
 - PSC supports councillor numbers being set at odd numbers between 5 and 15. 5 is currently working well for PSC at present but is dependent on full commitment from all Councillors and can be tested with conflict of interest issues that have the potential to decrease numbers.
- Electoral Structures
 - PSC believes that the VEC should take into consideration the preferred electoral structure of the Council and the community and that one size fits all is not appropriate.
- Compulsory Voting
 - Postal voting is well accepted and achieves good participation and should include those aged over 70.
- Voting Method
 - PSC supports postal voting as attendance voting would place a burden on voters due to the dispersion of the PSC population.

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?

1. How Councils operate (Chapter 4)

- Allowances, Role Clarity & Training
 - PSC believe that Mayoral and Councillor allowances should be set at a level that reflects the responsibility and time commitment of Councillors and at a level that attracts suitable candidates.
 - PSC fully supports any changes that provide better clarity to the role of Mayor, Councillors, CEO and administration.
- Delegated decision making
 - Consideration needs to be given to identifying an improved model for the delegation of operational roles to committees. The current Special Committee (S86 Committee) model is complicated, time consuming and daunting for community members.
 - The Act should encourage community participation – current arrangements don't do that. Perhaps consider alternative arrangements for using community committees.
- Consultation
 - The current Section 223 – Right to Make a Submission provisions are antiquated and overly prescriptive. Councils should have the autonomy to determine what level and type of engagement is required and what best suits their community.
- Mayoral Elections
 - PSC supports the current arrangements which allow for the Mayor to be elected by their colleagues for up to 4 years.
- Role of the CEO
 - The recruitment and performance evaluation of the CEO should be left to the individual Councils to manage.
 - PSC supports any further clarity of the roles of CEO and Council.
- Local Laws
 - Council should have the autonomy to make Local Laws within their general powers.
 - Councils make a range of decisions under a whole suite of Acts

other than the LG Act, in particular planning, public health, road management as examples. Guidance and structure to this delegated decision making would assist Council transparency and community understanding of the diverse roles Council must fulfill.

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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?

1. Planning & Reporting (Chapter 5)

- Integrated Planning & Reporting
 - The introduction of the LGPR has placed a significant burden on Small Rural Councils without a corresponding decrease in associated compliance reporting. Fair Go Rates will add another level of reporting to Councils once again without any corresponding reduction. A complete review of Council reporting requirements needs to be undertaken to remove duplication and non-value add reporting. Careful consideration needs to be given to having a tiered reporting framework that places fewer burdens on Small Rural Councils.

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?

1. Council Rates & Charges (Chapter 6)

- Rates Revenue
 - The current suite of rating options work well for PSC.
- Rate Payer Rights
 - Councils should be provided with the autonomy to determine the appropriate type and level of engagement required for rate setting and budget adoption. Over prescription results in processes being undertaken to meet requirements rather than best fit for the particular community.
- Special Charges
 - Process for setting special rates and charges could be made simpler particularly where charges to be incurred are below a threshold.

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?

1. Service Delivery & Financial Decision Making (Chapter 7)

- Flexible & Efficient Service Delivery
 - PSC supports flexible, innovative and collaborative solutions that will support inter council shared services, and removal of legislative barriers to better enable councils to pursue collaborative opportunities.
- Budget Process
 - The budget process including submissions needs to be reviewed to bring it in line with other levels of Government, modern practices and alternate community engagement techniques.
 - Budgeting needs a longer term focus, beyond the term of a Council, which reflect the key responsibilities of Councils in maintaining a wide range of assets for the community

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?



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1. Councillor Conduct, Offences & Enforcement (Chapter 8)

- Clarity of Roles & Obligations
 - PSC believes there is a need to provide better clarity of roles in respect of Councillors and the CEO including improved understanding of the roles of oversight bodies such as IBAC, Investigations Inspectorate and LGV.
 - Government need to choose whether the sector has its own regulatory regime, or as a creature of the state is subject to the states regulator regime like the Auditor General, IBAC etc.
 - Conflict of interest provisions remain overly prescriptive and at times challenging in terms of having a quorum in order to make decisions properly.

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?

1. Ministerial Powers (Chapter 9)

- Ministerial Intervention
 - PSC supports better clarification regarding the extent and power of the Minister and the need for improved consultation.
 - The Act should be structured so as to reduce the need for intervention by the minister.

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?

1.

A key reason for pursuing reform of the Act is to ensure that it is coherent with the various pieces of legislation that local government is required to have regard to. It is clearly of benefit to councillors, officers, and for the community that obligations are not duplicated or inconsistent.

Provisions relating to roads should be consistent with the Road Management Act, or contained entirely within the Road Management Act.

PSC believes that multiple pieces of legislation confuse the legislative environment at local government level and supports work to simplify this.

Any other comments?

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

1. No further comment

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- Email Address

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2. Information available to both DELWP (Review of Local Govt Act 1989) and Bang the Table
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