

Submission to Discussion Paper

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

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

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. As elected representatives of their municipal community, the role of elected Councillors should be to set and steer a negotiated and agreed policy and operational agenda for the term of their election. This agenda should be one which reflects a workable and appropriately weighted combination of the commitments they promised to prioritise during their individual election campaigns. In addition to this, the Councillors need to take responsibility for holding their CEO, other managers, staff and contractors accountable for their performance in implementing their agenda. The Council's role and function is to assist the elected councilors in ensuring open, consultative, inclusionary governance which effectively guards against and judiciously penalizes improprieties of illegality, conflict of interest, unwarranted acts of commission or omission whilst responding with openness, alacrity and responsibility to resident and ratepayer concerns.
2. Councils require the power to compel their CEO's and through them their

managers and staff to keep them and their constituents accurately, promptly, thoroughly, impartially, and clearly informed on all matters within the scope of their statutory and associated decision-making discretion. There must be limitations to the exercise of council powers such as to prevent criminal, corrupt, abusive, or other shameful or disreputable behaviours by any of the agents of the council whether elected or not.

3. There should be prescription as to mayoral rotation, public access and participation in Council decision-making fora, publication of records of meetings (agendas and minutes) and reports commissioned by the Council, recording and public access of Councillors' voting behavior, meeting procedures, quora, attendance, submission reception, transparency of governance, budgetary and planning structures, borrowing and investment scope and entitlements, financial auditing and avenues of appeal and accountability. Most other matters could be normative where not already covered by State or Commonwealth legislation or statutes.
4. Penalties or sanctions where provided for need to be practicable, proportionate, enforceable, ethical and lawful. These could include suspension, dismissal, being subject to investigation, being charged by police and brought to trial, fines, injunctions, prohibitions and other non-custodial penalties and at the extreme incarceration.

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. Requirement for candidates for local elections to reveal in their campaign literature their current political party membership if any, organizational affiliations, sources and quantity of financial donations to their campaigns and any serious conflicts of interest affecting them or their supporters. Scrupulous oversight and penalizing of factually false claims and accusations made against electoral opponents. Scrupulous and thorough monitoring and supervision of all election campaign material, compulsory voter registration, ballot paper and how-to vote cards integrity, ballot-casting, counting, scrutineering with effective systems of accountability and adequate resourcing, timing and placement.



**Review of the
Local Government Act 1989**

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. See comments made previously in Chapter 2 response which covers this.

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. Reasonable and proportionate requirements in view of limited time, resources, and essentially voluntary services of Councillors, but sufficient to ensure probity, accountability and responsible performance of obligatory statutory functions.
2. Could be an option for joint activities by neighbouring or regional councils with common interests in infrastructure, community or geography. A sharing or planning and reporting responsibilities which might make it less burdensome for an individual council.
3. I don't believe ratepayers as such need to be granted better access than other eligible voters such as municipal residents who are tenants. All eligible local citizen need to be able to sit on consultative structures or committees set up by Councils or to publicly question the Council and be provided with relevant information and have their complaints addressed.
4. See comments in Chapter 2.

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. I'm not satisfied that residents of poorer municipalities where land and property values may not be high or where population density may be sparse are equitably

served by their councils or shires. There should be more equitable methods of ensuring that local government whether in Stonnington or Melton provides an adequate municipal service to its community

7. I'd like to see Councils able to have their borrowing and investment scope clarified and made flexible where such measures as rate caps or other financial restrictions apply.

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. See my responses to chapt. 2, q4.

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:

6. See my comments elsewhere regarding borrowing and investment. I also think there should be flexibility with regard to joint financial commitments of two or more councils seeking economies of scale with regard to certain projects or operations

Any other comments?

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

Response:

1.

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