

Submission to Discussion Paper

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Organisation/council name:	Darebin Appropriate Development Association Inc A0094111Q
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. Legislation should provide consequences for non-compliance to the act but that should not include the sacking of whole councils. Instead the penalties and sanctions should be targeted specifically to those individuals, elected or employees responsible for the non compliance. Removing elected representatives who are then replaced by government employees does not enable appropriate representation of residents and ratepayers.

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. All donations to Councilors for campaign or other uses should be declared in real time for all the public to see.
2. Councilors should have fixed terms in office limited to only two terms. This would encourage more people to run for council. A half council election would ensure that not all of the council is renewed at one election but there is some continuity of governance.
3. Council CEO's should not have powers above the Council Mayor and Councilors. CEO's are not elected representatives of rate payers and residents.

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. The Minister should not have the right to sack councils if they do not comply with the requirements relating to their operations.
2. Sanctions for individual Councilors are preferable; including the sacking of Councilors if necessary. Sacked Councilors should be replaced by the next highest vote getter at the last election.
3. The Minister should be able to apply sanctions on the CEO and council officers should they not comply with the requirements of their positions.
4. The Mayor should be directly elected by voters and be full time. They should, like Queensland, involve direct executive authority over staff including the CEO.
5. Councilors should be full time and paid. They should occupy positions inside the council structure above council officers on the same level as the CEO, under the Mayor.
6. Councilors do not need to be physically at meetings. They could be linked in to discussion and voting via technology.
7. Council meeting schedule should be determined by the Mayor, CEO and Councilors depending on need and availability.
8. There should be a formal requirement for public participation at council meetings including meetings where planning decisions are made.
9. The Act should include requirements for community consultation and engagement.
10. There should be mandatory reporting of complaints at council meetings so that the number and type of complaint is recorded along with the response from council in dealing with them. This provides voters with greater transparency on issues and resolutions.

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. Planning and reporting should be as consultative and transparent as possible.
2. Sanctions should be imposed on councilors and council officers for not complying with planning and reporting requirements. These should be directed directly at the person or persons responsible after an appropriate investigation and opportunity to do the right thing or correct a wrong.
3. Ratepayers and residents should have a direct say in evaluation of the council officers, equivalent but not the same as they do with Councilors at Local government Elections. On line surveys and data from council complaints could be used for quality and quantity evaluations. This is especially important of the CEO.

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. The developer’s contribution is currently commonly used to fix problems caused by the building of the development. Developers should be charged directly for restoration resulting from damage incurred in the process of building works.
2. Developer’s contributions should be saved and spent on larger council projects such as buying land for the development of parks and shared open space, tree planting projects or the purchase of a facility or heritage place that is in danger of being lost. These relate to issue around development but are not directly related to any single planning proposal outside of council.

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. Thanks so much for the opportunity to have a say. I value genuine consultation and look forward to further opportunities to make input to the process of improving the Local Government Act and ultimately the way Councils operate.

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