

Submission to Discussion Paper

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Organisation/council name:	City of Greater Dandenong
Position/job title	Councillor
Are you providing this submission on behalf of yourself or the organisation?	On behalf of 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. The role and objectives of local government need to be made clearer than the current Act. Is local government responsibility for environmental sustainability, arts and cultural development, economic development, housing affordability, community development, social cohesion, support of local non-profits assisting asylum seekers and refugees, advocating for improvements to schools and public transport infrastructure? Greater Dandenong Council does all of this. While I support our involvement in all of this is it meant to? A common discussion with residents is the scope of what local government is responsible for and what is not responsible for viz e viz state and federal government and clarity regarding this would be useful
2. Specifically in the current Act Section 3A – Purpose of Local Government is so broad as to be practically meaningless
3. Section 3C – Objectives of Local Government is better but does not capture current Council activity in many areas and does not embed a need to consult
4. Is Best Value Principles (3C 2b) relevant anymore?

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:

The electoral system should be reformed in such a way as to:

1. Enable residents to get as much information about candidates as possible as we have a media environment where there are few sources of such information given
 - a) mainstream media concentrates on federal or state elections
 - b) local newspapers are in decline both in number and also in distribution (for example in my local area while there are two local newspapers there are a number of neighbourhoods where newspapers can't get people to deliver them)
2. Reduce the propensity for dummy candidates. I am strongly of the view part of the solution to that is compulsory attendance voting across Victoria.
3. Both voter population and land area are relevant to how many Councillors are needed so judging say West Wimmera on the basis of having 5 Councillors for a population of 4251 is harsh. The minimum of 5 Councillors per Council is reasonable but after that minimum the number of Councillors above that should be based on voter population. The situation of the City of Casey is ridiculous and while Councilors remain a part-time role (which in itself is unworkable given the increasing complexity and number of decisions made by Councillors plus the demands of the general representative nature of their role) growth Councils need to be able to breach the existing limit of 12 Councillors and go up to 15. Or more sensibly Councils such as the City of Casey should be broken up – a metropolitan Council with a population of greater than 200,000 is unlikely to reflect a community of interest.
4. Having the franchise and voting requirements of local government election causes confusion at election time. It should be harmonized with the situation of State and Federal elections. For example that people over 70 years old have to vote at State and Federal elections but not local causes much confusion and is archaic given the increasing

percentage of our population that are over 70. The idea that ratepayers who are not residents vote doesn't make sense unless owners of businesses starting getting a second vote at State and Federal elections. And having residents who are not citizens devalues citizenship confuses the situation as well. It must be pointed out that there is a low awareness compared to State and Federal) of local government election processes as it is – making them different for the voter confuses them further than they already are

5. The tightened eligibility provisions all make sense but not allowing developers to be candidates for a Council election would make a greater difference than all of them. It is a significant risk to the democratic process that is currently being considered for good reason in NSW
6. The issue with donations is that candidates can run a decent campaign on 20 donations of \$499 – and never have to disclose any of them! Making all donations – or at the very least those over \$100 – disclosable would make a big difference. Banning developer donations would make a huge difference too – as that is where conflicts of interest are most likely to occur
7. Strengthening caretaker provisions would be good.
8. Having Councillors who are pre-selected State or Federal candidate candidates having to take leave as soon as they are preselected would be a good idea as they are then in conflict with their roles
9. Making the VEC the statutory provider would be good. Also having the head electoral officer for each local council area not live in the municipality they are serving in or any municipalities abutting would be a good idea as well.
10. Enforcing compulsory voting better is important

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. Directly electing a Mayor is a good idea, however prefer the model that voters choose a Mayor and Ward Councillors at election time , on the basis that the candidate selected as Mayor needs to have be the one with the highest vote out of those successfully elected as ward Councillors first
2. Calling the Councillor allowance an allowance is misleading – it is a salary
3. The expectations on Councillors are now so large that it is a full-time role and should be remunerated as such.
4. There should be mandatory readvertisement of CEOs every eight years and CEO contracts should be maximum every four years. Mandatory readvertisement would lead to a reduction in a view that CEOs get entrenched in a Council without proper review.
5. Bi-annual performance reviews of CEOs should be mandatory – annual performance reviews don't work and allow issues between CEOs and Councillors to fester.
6. There should be legislative provision for the ability of members of the public to be able to ask public questions of Councillors and the executive at Council meetings and also for Councils to webcast their meetings. Webcasts are an important way to make Council meetings accessible
7. With new strategies, the standard practice at Greater Dandenong Council is to follow these steps :
 - a) Do an informal, open ended consultation on the subject area of a new or revised strategy/framework/policy. This has the benefit of finding out from the community diverse views and ideas before the work drafting a new strategy/framework/policy is done, thus achieving both efficiency and genuine consultation
 - b) As Councillors then adopt a new Strategy/Framework/Policy as a draft document for the purposes of exhibition



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- c) Formally exhibit it
- d) Adopt it at a Council meeting.

As I understand it there is no legislative requirement in the Act for any of this.

In a rate capping environment there is I understand a greater requirement to show that rate variations are based on new and pre-existing strategies, frameworks and policies and also community consultation making embedding into the Act common and consistent requirements to support the consultation on new strategies, frameworks and policies vital. Often Strategies, Frameworks and policies are based on a discrete interest area (sport, arts, environment etc) meaning that they are actually of more interest than a Council Plan that has a broad focus and high-level objectives that can appear non-tangible

- 8. I don't see any reason to change Council powers or responsibilities in regards to local laws and having local penalty units the same as state penalty units is important and it would be good if we had powers over civil disputes like fences

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. Having a legislated requirement for a 10 year financial plan (updated each year) and a 12 year community plan (updated once after each three terms would be good). The annual report should report on progress with goals on the 12 year community plan as well as the Council Plan as showing transparency to the community on achieving long terms goals is important
2. Two two pages summaries on both the Annual Report and the Budget should be mandatory mailouts to all residents and ratepayers (not just ratepayers). Residents who are not ratepayers have an interest in what Councils do too!

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. Hardship policies (allowing deferment to their will) and appeal rights should be made common

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. Cross-referencing with the Subdivision Act to ensure that sold open space requires it's replacement would be a good idea. Not allowing open space to be sold would be even better!
2. Collaborative relationships between Councils should be made easier

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:

No comment on this section

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. The role of the Minister definitely needs to be in the Act and limited in the Act so as to avoid making arbitrary decisions. To further support Local Government being an independent tier of Government there should be more of the Minister referring matters to Parliament rather than being able to make decisions on their own.
2. Local Government Victoria should become its own statutory authority independent of the DELWP. Councillors and Council staff should receive separate communications from the Minister and the CEO of Local Government Victoria just as one would from the Minister of Water and Melbourne Water. The role of this independent statutory authority should have it's own Act but should be cross referenced in the Local Government Act. There is a need for a separate and properly resourced Local Government Victoria to support the independence of local government and properly support local government.
3. Proposed Council amalgamations and separations could then be assessed by a independent statutory authority which could then make recommendations to Parliament.

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:

Any other acts referring to local councils should be cross-referenced in the Local Government Act.

Any other comments?

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

Response:

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