

# **SUBMISSION TO THE MINISTER FOR LOCAL GOVERNMENT IN TO THE REVIEW OF THE LOCAL GOVERNMENT ACT 1989.**

## **INTRODUCTION**

I make this submission to the discussion paper after a career in local government at a time when the 1958 Act ruled. I have taken an interest in local government matters since my retirement, much to the chagrin of staff at the Alpine Shire.

Due to personal time constraints, many of the issues I have raised are basically in a precis form. My apologies for this form of submission.

Normative, Enabling or Prescriptive? There are arguments both for and against these processes.

Perhaps an examination of all the complaints to the department since the Act was last reviewed would shed some light on whether the processes that precipitated the complaint, should have been dealt with beforehand by prescriptive measures or not.

### **1. Electoral Representation and Structures**

#### **a. Standards**

Elections are the backbone of democracy and as such, it is only logical that all Australians see their democratic right as being the same as their fellow man.

Wrong. Federal and State systems may align but local government seems to remain in la-la land.

One system should apply Australia wide and local government should be brought into line with the federal and state systems.

#### **b. Operation**

The re-writing of the 1989 Act is the ideal opportunity for the specialist electoral body – Victorian Electoral Commission – to be made wholly and solely responsible for the conduct of council elections, including complaints and enforcement issues.

c. Electoral Structures

The recent review into the possible introduction of ward structures at the Alpine Shire was not recommended by VEC on the grounds of inequality of representation.

Yet in many rural areas it was the poorly thought out municipal amalgamation of councils that led to the perception that the old ward structure provided a level of certainty of representation on Council.

This feeling still persists in some areas and non-representative areas often fester a level of unrest.

Introducing a ward system with uneven numbers of councillors for different wards will only produce more unrest for the local government department to deal with in the future.

d. Voting

In order to maintain an Australia wide standard, the local government voting system should be on a preferential system.

e. Franchise

In the 'olden' days the role of councils was limited to roads and bridges, infant welfare and libraries. To this end it was only the residents that gained from the services provided.

A non-resident landowner rarely needs the services of local government other than travelling on roads and over bridges.

In line with my earlier comments regarding standardization of systems, there should be no additional voting entitlements based on property ownership to any person, organization or corporation.

f. Candidacy

If it is good enough for the Federal and State systems, then it is good enough for local government.

In a multi-cultural population, being a resident in a municipality and allowed to vote but not be a Councillor is tantamount to discrimination.

#### g. Polling Method

Voting in rural areas is not as easy as voting in urban or regional centres.

The use of postal votes is excellent providing that VEC understands the implications of Australia Post's recent edict regarding delivery time delays in 'snail mail'.

If a letter from Mt. Beauty to Bright can, at this point in time, take three or four days, a further extension of seven to ten days could affect the result of any poll.

A Rural Service Delivery (RSD) may take even longer.

When the cost of postage is increased, postal voting may be seen as an extra cost upon the VEC system, but it is likely that rural voters will be further disadvantaged without 'snail mail'.

Unless an urban bureaucrat is faced with a visit to rural Victoria where they encounter no internet service or very slow service, then the reality of relying on electronic voting systems will not be apparent.

At this point in time, both electronic and 'snail mail' systems should be maintained.

#### h. Politics

The role of political parties in local government defies the word 'local'.

A federal or state political position does not necessarily transpose to local government.

Nonetheless a councillor who has aligning views with a political party should not be discriminated against – rather he/she should be allowed to maintain that position.

But that should not confer the right of political party membership being bought to local government by a councillor.

The possibility of conflict between a federal/state political party decision and a decision by a political party councillor that affects a local community - being in opposition to a party position - leads to conflict and a breakdown of the definition of 'local'.

Prescriptive legislature may be the only way of maintaining a degree of impartiality to the role of councillor.

## 2. Mayors, Councillors and CEO's

### a. Mayors

A directly elected Mayor (and Deputy) is no different to the election of an American President.

\$ in the USA talk – not ability.

A Mayor should be elected as the best candidate for the position from the group of democratically elected councillors.

He/she should be the best person for the job – not the person with the most dollars who may or may not have the ability to meet the impartial role of Mayor.

### b. Payments

The need to pay a salary, provide an allowance or reimburse expenses is directly related to the area and population of the municipality.

The issue of 'prescription' is raised if the government dictates the method of dealing with payments or allowances to councillors.

### c. Chief Executive Officer

Prescription is raised on pg. 29 in relation to the appointment of a CEO.

The engagement of 'independent expertise' (pg. 47) to assist with the employment of a CEO, is another way of describing some company or some individual that is no more than a failed or retrenched bureaucrat(s), who has little comprehension or understanding the politics of the municipality that has engaged them.

The Act should not prescribe how to employ a CEO. If a Council makes a mistake, the ballot box will fix the problem.

### d. Council Meetings

If the Cemeteries and Crematoria Act allows little Class B cemeteries the right to conduct meetings by electronic means, then local government needs to wake up and join the 21<sup>st</sup> century.

e. Consultation

Peoples Panels, Citizens Juries?! What happened to the old boring nit picking Ratepayer Associations?

There is no need to look at other models – use the structure to the advantage of Council, not shove it off to one side in favour of a (prescriptive) legislated ‘citizen baby’.

It should not be forgotten that a citizen’s forum was initiated by the federal government in some years back but were any of their recommendations ever acted upon?

f. Cross boundary consultation

I posted the following on the ‘Your Council Your Community’ forum about the lack of consultation where one (Wodonga) council’s asset has a greater value to non-residents than it does to its own residents.

In this type of situation, prescriptive requirements are needed as whilst the consultation process may have been within Wodonga Council’s boundaries, consultation with the users of Wodonga Council’s asset (saleyard) was not forthcoming.

“I refer to the Senate inquiry into the red meat industry and the hearing recently held in Albury. The owners of Regional Livestock Xchange have on their website the mission to have a ‘qasi-monopoly’ of saleyards across the eastern states of Australia. To this end, the father and son team now own or are in the process of ‘buying’ saleyards from local councils in strategic locations in order to remove council competitiveness.

What has this to do with the review?

Saleyards are not a single municipality asset. They service producers from a number of municipalities.

Wodonga Council made the decision to sell the saleyards to RLX without consultation to the wider public which in the end led to the Senate enquiry.

It is behoven on Councils where a decision about any asset (buying/selling/leasing) that has multiple users from other municipalities, must communicate their intentions to the wider population.

Wodonga Council did not disclose or publicly offer to any other consortium or group, the opportunity to purchase/lease the saleyards, much to the dismay of non-Wodonga ratepayers and residents. (It wasn’t a case of Wodonga not wanting saleyards - Council ‘moved’ the saleyards to another site in the municipality - couldn’t give away the golden cow!).

However the very large majority of users come from outside the boundaries of Wodonga Council.

It is our livelihood that they have played with - without any knowledge or even any care for council residents/producers from other municipalities.

It was the almighty dollar that lay begging in rezoning the saleyard site into yet another residential development that led to the blinkered approach of Councillors and staff.

The new Act needs to recognize that some activities have cross council borders and consultation must be wide and all encompassing, as well as open and transparent.”

### 3. Planning and Reporting

#### a. Council Plans

A five, ten, fifteen, twenty year plan – is there any difference?

Perhaps to Council staff where there is a (high) turn over, but to a community?

Councillors are elected for a four year term and from one election to another, the mandate can change and sometimes dramatically.

If the electoral change is drastic, there can be a major shift in a council’s vision for the future. And the former plan is likely to become redundant.

The general public is very transient these days – changing family structures, changing jobs, changing houses and to many the chance to be a grey nomad before a nursing home beckons.

This begs the question – how ‘accurate’ have council’s long term (15 or 20 years) visions been?

Relative short term visions of say ten years, I would suggest, have a greater chance of being a better road map for the future.

Using a ten year plan with bi-annual revisions may produce a document that has greater relevance to a new council and to its community.

Whilst a vision is a vision, it must have a level of credence or it will be worthless.

### 4. Financial Management

#### a. Planning

Government, both federal and state, are not remaining as stable as in previous years. Changes in power bring different expectations and whilst some government programs continue to be funded, some are not.

Where many smaller councils rely on government funding rather than rate revenue, the issues of reduced funding and rate capping, will bring major financial issues to some and problems to others.

And these will of course impact on visions for the future.

A financial plan to support a vision will need to focus on the most important or pressing needs. Placing prescriptive elements on councils to meet specific targets would not be wise.

b. Rates

Any property that is owned or occupied should be rated.

An exemption for a religious structure is illogical when a house of religion collects dues –technically the same as a business selling something.

Likewise land used for mining. Whilst a mine is extracting a commodity from the ground which is below freehold title level, all associated tailings, sheds, water supplies and tailing dams are aboveground and should be rated.

Where Crown Land is held by trustees or Committees of Management for a specific purpose, such as airports, community halls or cemeteries, the dilemma facing councils (whether to rate or not) is how much is the activity being supported by volunteers and therefore 'saving' council revenue by reducing expenditure levels.

The issue of differential rates as applied to farmland, industrial etc. should remain.

Alpine Shire has placed a Significant Landscape Overlay over parts of the municipality that rely on farmland to maintain a visually attractive landscape for the tourism industry.

This is a form of tax by restricting (to a level), farming activities.

If farming is to directly subsidize other industries, then a differential rate should be maintained.

Natural disasters where land, buildings and livelihoods may be directly impacted should be considered in the light of returning an asset back into production.

Rating a farm, industry or business that has been destroyed by bushfire, floods, earthquakes etc. should attract a write-off or reduction in rates based on the level of damage for a certain period of time.

Although this situation is subjective, businesses such as farming do not automatically return to production within twelve months or two years.

Recourse to VCAT or other agencies could be used as a deciding factor in the application of such waiver.

### c. Charges

All 'business' activities of councils should be cost neutral or profitable - no exceptions.

Small airfields should collect landing fees, caravan parks return a profit, waste dump sites (for motorhomes/caravans) pay-as-you-go.

Likewise rubbish collection and refuse stations should be cost neutral (which hopefully will ensure that recycling and reusing will become a mainstream activity).

### d. Collaborative Services

Library services are quite often used as an example of collaborative arrangements, but councils should have the power to enter into arrangements for any number of activities.

However some of the intentions such as combining councils and state health services under the one umbrella, as in Alpine@Home (between the Alpine Shire and Alpine Health), must be very carefully considered.

The mix of local, state and federal funding does not always work to the benefit of the local council and its ratepayers.

## 5. Ministerial Powers

I draw your attention to my comments regarding Wodonga Council and the lack of consultation with interested parties in relation to the saleyards.

Federal government infrastructure funds are being used to develop private enterprise assets across Australia.

Lack of ministerial oversight and approval of these 'behind the scenes' projects, because they are considered as 'in commercial confidence', is not meeting open and transparent government for ratepayers and residents.

Unless the Minister is privy to these major projects, due diligence may be a forlorn hope.

## 6. Other Issues

### a. Communication

This is a major issue to many rural people and needs to be considered when making decisions that assumes all persons across the state have equal access to electronic services.

Many people do not. Electronic services can be poor, not available, subject to the vagrancies of the weather and not to forget that often the volume of users are growing ahead of infrastructure and support services.

There are also the generational issues. Introducing voting by electronic means and voting for the over 70's at this point in time, may not produce the hoped for outcome.

A combination of print and electronic media for the next ten years or thereabouts, is likely to be the most appropriate method for dissemination of council matters.

### b. Municipal Monitors

The suggestion of developing a municipal monitor position appears to be a duplication in part of the role of the inspectorate.

Often dissension by the public towards a councillor or council harks back to issues relating to finance.

Appointing a monitor for one activity and an inspector for another is fraught with demarcation issues and in reality, is just another costly bureaucratic exercise.

It would be more appropriate to widen the role of the inspectorate so any issue can be dealt with in a holistic manner.

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