

Submission to Discussion Paper

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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. It is the function of council to govern fairly and effectively at a local level. Basic duties of council include repair and maintenance of infrastructure, garbage disposal services and street cleaning, as well as community services such as libraries, and home help services.
3. Councils are the tertiary layer of government, and as such the power of councils should not exceed that of the state government.

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. Voting for council elections should be compulsory as it is for State and Federal elections. There should be a check on dummy candidates whose only purpose is to provide preferences to another candidate.
2. The Victorian Electoral Commission is probably best placed to oversee this.
3. The directly elected mayor system for Geelong should be rescinded by repealing the City of Geelong Amendment Act 2012.



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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 directly elected mayor system is not a good fit for Geelong. The position sits atop the other councilors and the directly elected mayor has no ward responsibilities. In addition, the mayor's quite considerable salary and requirements for staff and a mayoral car impose an unacceptable impost of the ratepayers of Geelong. **I therefore recommend the repeal of the City of Greater Amendment Act 2012. The mayor should be one of the ordinary councilors and elected by the fellow councilors. This has worked satisfactorily for Geelong in the past.**
2. For Geelong, there should be the maximum allowable number of councilors, under the current legislation this is 11, excluding the directly elected mayor. This is because the Greater Geelong local government area has a very large number of residents and is growing. The number of residents per councilor is the highest after Casey. To ensure better representation, it would be even better if it were possible to have a larger number of councilors, say 13 or 14, and a corresponding number of wards. There should be one councilor per ward.



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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?

Response:

1. Councils should be fully transparent in their decision making with respect to all of planning and reporting on their strategy, budget and operations.
3. If it is the intention of council to sell crown land or put it to other than its current use, the community should be consulted.
4. If councils do not comply with requirements, bodies such as VACT should make decisions. Access to legal representation for ratepayers at such bodies should be made available.

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.



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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:

3. The powers of councils to spend moneys from the council's budget should be open and transparent. Spending on special projects such as street decorations and non-essential services should have an upper limit. Where ongoing costs are involved for a project, these should be clearly spelled out and open to public scrutiny.

4. Councils should have a legal limit to the number of senior managers they can employ and a upper limit on their salaries. Performance bonuses should be awarded on merit and not automatically. Councils should also be limited as to the number of consultants they can hire and a ceiling on the amount of salary paid to consultants. All the details of the above should be public knowledge for residents. **There should be no corporate in confidence provisions for any of the above.**



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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. There should be a code of conduct of all councilors which should be strictly adhered to.
2. If there have been instances of councilor misconduct these should be dealt with by a disciplinary committee. There should be a system for reporting of councilor misconduct which can be used by councilors, council staff and members of the public. Where the law has been broken the police should be informed.
In cases of serious misconduct a councilor may be stood down temporarily, or removed permanently. In the latter case a by election would need to be held.



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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. In view of the large geographical area and number of residents at present included under the City of Greater Geelong, there is a case to be made for splitting it into several smaller municipalities.

The City also includes rural and semi-rural areas, suburban hubs as well as a CBD. At the extreme eastern end of the City is the Borough of Queenscliff, which is a very small separate municipality which for years has suffered from its small size and lack of infrastructure. It is an anomaly to keep Queenscliff borough separate; it should be incorporated into the City of Greater Geelong. If a separate municipality was created out of the Bellarine Peninsula, possibly with municipal offices at Leopold, Queenscliff could become part of this. Another municipality could be created from the northern suburbs and one from the southern suburbs. This would create three smaller municipalities with better councilor representation.

As mentioned several times above, the system of a directly elected mayor should be discontinued. The reasons for introducing it in the first place were never thought through properly. Just because the City of Melbourne and cities elsewhere in Australia have a directly elected mayor is no reason for Geelong to have one. It creates an artificial extension of the third level of government which has proven not to work for this city.



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