

## 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:

NO 3.Councils powers and limitations should be enforced and CEO's held accountable as per Court Judgment. As it stands Council can and do think they are untouchable and as long as the steps are shown the outcome has already been decided but the procedures are followed and they act within Local Government Act which appears to give them unlimited power far too dangerous.

No;4 No3 Schedule 10 discontinuance of roads should be prescriptive and with the rights to Supreme Court to determine any challenges by the public who will lose their common law rights of use and access by the discontinuance.

No:5 Legislation should provide consequences such as penalties and the CEO should be held accountable .No more or less than the public who break laws, They are using and making decisions for the ratepayers for their Area,

No: 6 My comment for this chapter is my family personally can give details of the

disgraceful behavior of the senior staff of the Shire and the Items in the council Agendas that are misleading and many times completely untrue. How can any Councilor make informed decisions when the reports put in the Agends are written With subterfuge information, and give you no avenue for the correct information to be added before it is added to the Agenda.

## 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.

2.No more powers should be given to the CEO Maybe the Victorian Electoral Commission.



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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. Open meetings should be held at all times. Even with today's internet savvy world all Council meeting should be telecast live.





## 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.

## 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. No needs to be reviewed.



## 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. It appears to me that all the conduct offences and enforcement are based on the

Councillor conduct and very little is put on the CEO and senior staff of the council who have much more power behind the scenes and should be held accountable.



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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.
2. Minister should be able to ensure Councils comply with the Act  
Ensure the integrity of governance and standards of behavior.

Councils are not recognized under the Australian Constitution and the Australian residents have refused to include them in the constitution and yet under the state constitution they appear to have unlimited power which needs to be curtailed and subject to the Courts review.



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## 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.

No3 Under the Land Act closure of roads need the adjoining owners to agree to the Discontinuance yet under the Local Govt Act it is not clear exactly what roads Council has the power to Discontinue and what right the adjoining owners of land have to take to Court to challenge the discontinuance. What Council after BlackSaturday would remove properties from (Wildfire Overlay) surrounding a road that was used to save lives and the CFA to put our fires .Then close that road and say not required for public use not required for private use and in the best interest of the local community?  
All hiding under the Local Government Act.



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Any other comments?

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

**Response:**

1. Please allow me to be part of this revision of the Local Government Act.



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- Email Address

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3. Information available to Bang the Table only

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