

Submission to Discussion Paper

Name	June Ernst on behalf of the Chief Executive Officer of South Gippsland Shire Council
Suburb	Leongatha
Age*	54
Gender*	Female

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If you work in an organisation/council, please provide the following information:

Organisation/council name:	South Gippsland Shire Council
Position/job title	Coordinator Corporate and Council Business
Are you providing this submission on behalf of yourself or the organisation?	The Organisation

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. Local Government is a significant contributor to the Victorian economy and is a critical delivery partner for the State Government in improving the lives of Victorians. The revised Act requires the status of Local Government to be recognized constitutionally and with relevant delegated powers as a distinct and essential tier of government, an economic force and a major service provider.
2. Yes. Councils' constitutional validity needs to be clearly articulated in the new Act to shut down the invalidity arguments many councils are plagued with. This issue wastes ratepayer funds dealing with repeated challenges on councils' constitutional right to act.
3. The preamble is fundamentally suitable for its purpose.

4. A 'principles' based Act is preferred to a very prescriptive Act, however this will require:
 - a. councils to establish effective governance frameworks to articulate a comprehensive set of policies with definitions and '3 strike' rules to govern the management of performance and behaviour internally; and
 - b. independent oversight of performance and behaviour against those requirements, with final independent oversight provided by the Minister for Local Government as a last resort.
 - c. Local Government Victoria and the sector would benefit from 'a model set of policies/procedures' so that a standardized approach could be applied across the sector.

5. Plain English clarity in the Charter is needed to articulate where Local Government's role starts and ends. The separation of functions between State and Local Government needs to be defined to remove the constant cost and responsibility shifts from State to Local Government, particularly when on-going adequate resourcing is not conditional with the change and rate capping is imposed without due consideration of these added imposts. In reviewing these issues consideration needs to be given to:
 - a. Managing responses to cost shifting so that matters/services are dealt with at the right level of government. Many services could potentially be better provided from a centralised (State) model, while other services need to be delivered close to the community at a local level.
 - b. The State Government and Minister need to take greater responsibility and accountability for explaining the transfer of responsibilities. They should support efforts to educate the community about the impact of these shifts on the annual rates that councils have to charge to cover reallocated and often unfunded imposts.

6. The Act needs to address a requirement for State Government to adequately and frequently engage with the Local Government sector in changes to legislation, functional shifts and funding changes to ensure that State Government is making informed decisions, rather than reactionary changes on an ad-hoc basis to address a new issue in one council that is not a matter of concern in most others.

7. Consideration could be given to State Government being the centralised collector of rates across all Shires as a tax, whereby everyone pays the same rate in the dollar regardless of location and the State can then equitably distribute the funds in accordance with service needs of all communities. This would relieve some of the rate burden on many rural areas, where geographic spread and infrastructure requirements can be extensive and population size small in comparison to councils with denser populations.

8. Clarity is required for the community on the breadth of services Council exists to provide, to address a minority, yet vocal view, that councils should only provide roads and rubbish. Many ratepayers do not understand the breadth of services provided, nor do they value the availability of services unless they use them personally. The provision of a range of services for the health and well-being of communities needs to be more broadly covered. It is noted that the recent legislative amendments contribute to addressing some of these gaps.
9. The Charter needs to be more prescriptive on the place and power of individual councillors and mayors, but also recognize more broadly that their roles extend beyond decisions made as a collective in a formally constituted meeting. Councillors and mayors, as individuals:
 - a. undertake a leadership role in the community often participating in or chairing advisory committees to Council;
 - b. advocate on behalf of the community to the community, to Council and to other levels of government and agencies; and
 - c. support the education of community members on the broader complexities of issues facing a council.
10. The Charter needs to articulate the opportunities and the complexities of being a Councillor; particularly in shaping policy and direction, determining service levels and sustainably allocating resources to the short and longer term framework of a municipality. It also needs to clearly articulate the limits to a council's powers, including the constraints of legislation, regulation and funding arrangements.
11. There is strong support for the proposal that councillors should be present at meetings to be able to have a vote, and for them to be seen by the community to be actively participating in the matters presented to Council.
12. There is strong support for the proposal that an earlier change to the legislation allowing councillors to abstain from voting should be reversed, as this clause is seen to make it too easy for councillors to opt out of making unpopular decisions and thereby abrogate their responsibility to the constituents that elected them to decide on their behalf.
13. The new Act needs to strike a balance between normative, enabling and prescriptive provisions. Driving principles could be:
 - a. An overriding public interest with transparency and accountability described in clear and unambiguous language;
 - b. A clear requirement for natural justice and due process consideration;
 - c. Assurance of probity requirements through internal audits.

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. The new legislative changes that give the VEC authority to manage the elections on behalf of all councils will go a long way to improve the management and integrity of the elections.
2. The Ward structure is seen to have value, particularly in rural and remote areas. It is acknowledged, however that wards need to be of a reasonable geographic size and that the ward boundaries can result in parochialism.
3. Stronger requirements need to be included as a pre-requisite to becoming a councillor. The role is far more complex than in the past.
 - a. The time commitment required of councillors is extensive now.
 - b. The scale of the business and fiscal responsibilities are equivalent to controlling a large company.
 - c. Very few people coming in as a councillor for the first time have an understanding of
 - i. the role;
 - ii. the limitations of their ability to make change;
 - iii. the time commitment required;
 - iv. the level of financial and literacy acumen needed;
 - v. the complexity of issues that they must understand before making a decision;
 - vi. the need to separate self-interest from community interest and the nuances surrounding conflicts of interest;
 - vii. the lack of respect often given to Councillors by community members; or
 - viii. that their decisions as a Council can make them a target in their community.

d. A legislative requirement for all candidates to attend preliminary education sessions (as a minimum) would assist in filling this knowledge gap.

4. Mandatory post-election training to equip councillors to fulfil their civic responsibilities should be included (as a minimum) in the areas of:
 - a. Understanding a council's legislative environment;
 - b. Local Law – Meeting Procedures;
 - c. Media management;
 - d. Financial management
 - e. Occupational Health and Safety/Bullying and Harassment;
 - f. Managing conflict and difficult people;
 - g. Team building;
 - h. Listening and speed reading.
 - i. Ethical decision making and conflicts of interest.

This training should be provided in a planned transition program to be undertaken in the first four to eight months of a new Council's term. (Refresher training may be required but this does not need to be mandatory.)

5. There are mixed thoughts on the direct election of a Mayor for every council and whether that Mayor is for the full term. Councils need strong leadership from their Mayors, so if a Mayor is elected by the community there must be legislated procedures and Ministerial powers in place to remove a Mayor if necessary.
6. There is strong support for the proposal that voting in Local Government elections should remain compulsory. This aims to ensure everyone engages in their community and shares responsibility for its leadership and the directions decided on their behalf.
7. Postal and/or on-line voting for Local Government elections are strongly supported.
 - a. It is considered that there should be a consistent approach for State and Local elections.
8. Inadequate information is available to community members on the background, skills and interests of candidates. Greater detail needs to be circulated through a wider range of print and social media channels to help voters make informed decisions.
9. Consideration to introducing half term elections needs to be debated. Holding elections for half the Council seats every two years would allow for continuity of planning and experience.

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. A 'principles' based Act worded to require councils to develop policies to engage with and deliver on community concerns, would provide a good framework for council operations.
2. The Act would benefit from containing wording that requires councils to engage early and often using modern channels of communication and interaction, including the use of technology,. The engagement principle could be framed around the ability to tailor meaningful consultation: Engage early – Listen, adapt, question and adopt and then report back. Prescriptive requirements for engagement should be avoided (eg S223) as these requirements often do not have effective or timely outcomes for a council or its community.
3. Engagement needs to be on-going for specific issues arising throughout the year. The combination of feedback from these interactions, along with tailored consultation, can be used to inform the four year Council Plan.
4. Sanctions/offences are best kept for dealing with inappropriate behaviour, fraudulent actions and election offences. Appropriate sanctions without overuse is encouraged.
5. Council meetings should generally be open, however there are matters that should be determined in closed session. The Act could provide clearer guidance on matters considered reasonable for consideration in a closed meeting.

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. The Council Plan should be transparently built around ‘community’ needs and ‘community’ should be recognised as wider than ‘ratepayers’.
2. The Council Plan should be reviewed mid-term to check it is still aligned to and addressing community needs, instead of annually.
3. The timing between a council election and the adoption of a four year Council Plan is inadequate given the need for meaningful engagement to inform the plan. A range of options to address this could include:
 - a. Hold the Council elections in July/August, allowing more time to prepare a plan and budget;
 - b. Allow three more months for adoption of the Council Plan – September of the following year;
 - c. The CEO is required to prepare a draft four year Council Plan prior to the election, allowing the draft plan to be the subject of debate by candidates. This draft would need to be based on required community engagement undertaken several months ahead of the election, but prior to the election period. It would not require involvement or endorsement by the sitting Council, only noting, for the purpose of placing it in the public arena for all candidates.
 - d. The CEO is required to undertake a community engagement activity to identify community areas of interest for consideration in the Council Plan, prior to the election period, and place these community results on the internet during the election period.

4. Changed and/or increased planning and reporting obligations imposed on councils should be balanced with the removal of all duplicated reporting. Current reporting obligations demand considerable resources to meet these mandatory frameworks. This can significantly impact on the provision of services by rural councils with scarce resources. Fast tracking the removal of duplicated reporting for indicators now in the LGPRF framework (for example) would be useful.
5. There are a number of issues with the LGPRF indicators that rely on external sources for some of the data. Indicators such as those required for HACC and Maternal and Child Health, remain an ongoing problem. They should be removed from the mandatory framework unless a robust mechanism can be put in place to ensure the information can be obtained in a timely manner.
6. The revised reporting model with co-developed guide is a good example of state and local government agencies working together to streamline reporting requirements in an informed manner. The legislation should reflect a requirement for this co-development model where there is benefit to be obtained from all councils using the same base model. Examples include:
 - a. Councillor Code of Conduct;
 - b. Staff Code of Conduct;
 - c. Internal dispute resolution approaches; and
 - d. A wide range of policies: e.g. Procurement Policy, Pre-election Policy, Information Privacy Policy, Audit Committee Charter or Fraud Policy, Records Disposal Policy, etc.,
7. The requirement for a Council to adopt the separate parts of the Annual Report and provide same to the Minister by 30 September each year, and then make the report public for two weeks before formally adopting the whole report in one document the next month, should be reviewed. To provide a copy to the Minister and then go back and adopt the whole document a second time is a duplication of effort and consumes staff resources for little, if any, value.
8. Councils are generally compliant in the preparation and adoption of Council Plans, Annual Budgets and Annual Reports. Sanctions with punitive measures are not necessary. Maintaining timelines is recommended to ensure each council is completing the documents in a timely and consistent manner.
9. There is strong support for the proposal that the legislation should require all councils to maintain a rolling (minimum) ten year Long Term Financial Plan, although a 15 year plan would be preferred. This allows for the impact of funding decisions and plans to be considered in a broader context than the short time frame currently existing for the four year plans. Within this

framework the first year must be soundly reflective of anticipated resource requirements, the next three years should be reasonably sure costings, with mid to later years providing an 'indicative' cost for planning and decision making purposes. In this way the true cost of borrowings can be accounted for and future planning of anticipated infrastructure needs can be addressed.

10. There are many complex issues that require all three levels of government to join together in shared approaches to finding resolutions. Examples include emergency management and response, social problems such as drugs or family violence and also the provision of road networks and other infrastructure. The legislation needs to accommodate the ability for all three levels of government to work together for the planning and delivery of strategies to address these shared responsibilities.

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. There are differing views on the use of CIV as a taxation measurement. While it works on the principle that those with greater property value are more

likely to have the funds to pay a higher share of the rates, it is also a disincentive to the development of land.

2. A key concern for people is the pressure of the quantum of rates and how they are legislated to be paid. Greater freedom should be set so that councils can offer a range of payment options to rate payers. Local Government is the only taxing organisation that has to provide the full year cost in one bill and only then break it down to quarterly payments. This needs to be changed.
3. The Municipal Charge should be removed completely from the legislation, or provision made that it is NOT be used as a medium for the distribution of the rates burden. It is a regressive tax that unfairly disadvantages ratepayers in lower valued properties.
4. The Act needs to allow for rates to be charged on Crown Land and other land currently exempted. Everyone consumes Council rates so all land owners should share the tax burden.
5. It would be beneficial if the legislation reflected that there will always be a difference in service levels that apply to inner city, metropolitan, regional cities, large rural and small rural shires. This is rarely understood by individuals that own a rural property in a lower populated shire when they compare their rates to their property in a densely populated inner city council.
6. An option to be considered is to merge Land Tax with Rates paid by land owners, to be centrally collected by the State Government and distributed more equitably to councils using a funding matrix, similar to the grants commission funding.
7. The new legislation needs to allow consideration for regional models of service provision. This takes the library services model and expands it to other services. The allocation of rates to service a regional or shared service model requires some forethought and guidance in the legislation to ensure equitable cost sharing between councils.
8. The legislation should require any transfer of responsibilities from State or Federal Governments to Local Government to be accompanied by a published financial impact statement. There are always resource implications – some councils being impacted more than others when responsibilities are transferred from one level of government to another. These factors need to be considered in terms of financial impact on the rates of each shire/city. A recent costly example has been the burden that came with the responsibility for roadside weed management moving fully to local councils. This has

created a significant financial impost on large geographic rural shires, with no additional funds provided to cover the workload.

A collaborative culture, by definition, requires a consultative process.

9. The legislation should look at other means by which councils can raise income, in addition to land tax. Councils have a great deal of energy and creative initiative that could be unlocked by the ability to enter into entrepreneurial opportunities.

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. It is proposed that the 'Best Value' legislation should be removed and replaced with an embedded principle of sustainable improvement. This supports a requirement for ongoing improvements to service provision for the benefit of communities.
2. The legislation should encourage and enable councils to develop shared service provision, with principles-based mechanisms in place to protect the agreements and arrangements. Requirements would include:
 - a. Remove barriers to shared services
 - b. A template legal structure
 - c. Consider regional structures where it makes sense
 - d. Minimise bureaucratic reporting requirements
 - e. Incorporate strongly worded opt-out responsibilities to minimize impact on other councils and communities.
3. The ability to share services should be broadly scoped, allowing councils to explore opportunities to share services between themselves, with other government agencies, private companies, not for profit organisations or community groups.
4. Enshrine the principle of subsidiarity in the legislation, allowing services to be delivered at the most appropriate level.
5. Where councils seek to create commercial businesses, these should have ministerial oversight with powers that allow the Minister to act should the business fail or become unsustainable.



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- a. Business proposals should be signed off by the Minister;
- b. The requirements for setting up a legal entity separate to Council should be clearly defined.

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 is some concern that the legislation is complicated in regard to managing council conduct, offences and enforcement. The recent amendments add more prescriptive approaches that may be helpful, however some still find them complicated. The main challenge is that behaviour is difficult to manage through legislation. It is a cultural problem that is difficult to regulate.
2. Misconduct and integrity are not well defined. They are different for each individual. This is an area that requires greater clarity and description/definition.
3. Wording should be included requiring Councillors to value diversity and creative tension in decision making and focus on the community, without making the debate or decision 'personal'. Misconduct begins and grows when a difference of opinion becomes personal.
4. Strengthen the role of the Mayor and give him/her more powers to act on smaller issues before they grow. Examples could include:
 - a. Require parties to attend mediation;
 - b. Require parties to attend team building activities;
 - c. Require parties to attend bullying and harassment training;
 - d. Require a party to participate in an anger management, or other appropriate course
 - e. Require a public apology be made.

5. Leadership by the Mayor is a key factor in the setting the tone of Council. The Act could benefit from guidelines providing recommended leadership training for mayors and deputy mayors to help them handle issues relating to:
 - a. Local Law – Meeting Procedure
 - b. Dispute handling/ conflict resolution
 - c. Media training;
 - d. Listening skills;
 - e. Bullying and harassment;
 - f. Understanding the role of Mayor and separation of duties from the CEO; and
 - g. Managing difficult people.
6. Discord is often created when the council, having made a decision, does not speak with one voice. This causes a lack of trust and once trust is broken it is difficult to re-establish. It may be beneficial for the legislation to consider the behavioural requirements of a council, once a decision has been made.
7. Clear robust guidelines need to be developed in consultation with the sector, that apply:
 - a. Consistency with natural justice and investigative principles;
 - b. A robust induction program that incorporates ethical decision making;
 - c. a clear compliance requirement– are they prescriptive and must be followed, or are they a guide with options for self-regulation?
8. Clarity around conflicts of interest is still required. Guidance needs to be given where an individual considers a Councillor may have a conflict but has not declared it. A process to manage this situation should be incorporated in the Act or regulations.
9. Communicating the behaviour expected as appropriate Councillor Conduct should start at candidates' pre-election sessions.
10. The Act requires there to be meaningful consequences that are reflective of the seriousness of matters being dealt with. Consequences could be built in at the local level for minor misdemeanours, escalating to fines for breaches of the Code of Conduct or the Act and through to jail sentences for serious offences. The penalty for repeated misdemeanours or failing to comply with an order from the Mayor, Panel or Court should be clearly stated. The recent amendments have addressed some of these in part.
11. Practical guidelines are required for the administration of Councillor Conduct Panels. The current guide provides an overview but falls short of assisting the Councillor Conduct Officer to know what is required in administering a Panel.

12. A checklist would be beneficial, along with support from the Department to assist officers managing a Panel for the first time. A checklist would also be beneficial for internal purposes to ensure internal dispute resolution has progressed through all appropriate internal channels before progressing to a Panel or external investigation.
13. The current confidentiality requirements of Councillor Conduct Panels require only the Councillor Conduct Registrar (Officer) to keep the information confidential. This needs to be changed. As worded, in practice there is little control over:
 - a. Others involved sending information to people outside the Panel;
 - b. Checking with the CEO or Mayor that mediation has adequately covered the issues raised in the complaint, and that the internal mechanisms have failed to address the issues;
 - c. Seeking guidance on managing witnesses that may be staff or community members asking for an independent voice or understanding their place in the process.
14. There is a concern that the current councillor and mayoral allowance is inadequate given the hours spent fulfilling these roles.
15. Consideration should be given to councillors as a group undertaking an independently facilitated self-assessment of their performance, perhaps annually or as an exit survey at the end of their term. KPI's could be incorporated and reported to the community, providing increased transparency over individual and collective performance. Other requirements could include councillor expenditure reports being provided quarterly or six monthly to Council.

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. Yes the role of the Minister should be set out in the Act. There is a need for independent oversight and final rulings addressing the performance and behaviour of council/councillors.
2. The Minister should set the principles under which local government is required to perform its strategic and operational functions. In doing so, the language of the Act needs to be modernised, parts clarified including the various roles of all stakeholders, and expected standards articulated so that they are simple to adhere to, yet strong enough to allow each council to establish effective governance mechanisms.
3. Policies should be developed that incorporate clear definitions and streamlined procedures; that add value not bureaucracy; and that apply a three strike rule for either a councillor(s) or council to bring themselves into alignment with the Act and Code of Conduct.
4. A streamlined approach enshrining the Minister's role as the ultimate and **last** resort, would promote better self-governance by elected members and support them to take greater responsibility for their performance, behaviour and outcomes.
5. The Minister and Department should be more proactive in advocating for local government, and in supporting sector coordination and liaison between levels of government and agencies. There is a role for the

- Minister in promoting better practices and building sector capacity and advocating to other State Government Departments to support and assist local government where responsibilities join, are shared, or need to align. For example roads management, traffic and transport management, emergency services, social reform, regional planning or service provision.
6. The Minister needs to play a pro-active part in streamlining the reporting requirements and bureaucratic process that consume council resources for little value. Advocating for the faster removal of measures that have now been replaced with the LGPRF would reduce the need for duplicated work for little or no value add. It may be instructive to enquire how other agencies are using the extensive data that councils are required to provide. Monitoring trends that add value to service provision and benchmarking may be more effective than continuing to capture data because it was required under a previous regime.
 7. It would be well supported within the sector were the Minister to play a stronger role in pushing for consistency of approaches across State Government similar to those applied to Local Government. Examples would include consistency of approach in elections, consistency in annually reporting on governance checklists, corporate planning, financial performance, annual performance, community engagement in decision making, state based framework of indicators for services provided and a requirement for each agency to undertake community satisfaction surveys. The Minister would be seen to be leading by example – a strong message would be given to the whole government sector.
 8. As a democratically elected level of government, councils are answerable to their communities, so they should be able to govern in their own right with clear principles that require them to track and report their performance in addressing community needs. Ministerial intervention should be a last resort, where there is:
 - a. a serious risk to the financial sustainability of the Council,
 - b. a serious risk to the health and safety of councillors, council staff or community members,
 - c. serious discord and a terminal breakdown of trust and respect between the Council and the CEO, or
 - d. where dysfunctionality amongst the council is causing a failure to provide good governance and good decision making in the best interests of the community.
 9. The Minister should only have the power to intervene between the CEO and senior staff where there is:
 - a. a serious risk of mismanagement of the organisation,
 - b. a serious risk to the health and safety of councillors, council staff or

community members,

- c. reasonable evidence of fraudulent activity, or
- d. where dysfunctionality in the organisation is causing a failure to provide good governance and adequate support to the decision makers in the best interests of the community.

10. As outlined previously, there needs to be a sliding scale of consequences that increase with escalation to intervention by external arbiters. The ability to apply lower level sanctions should be provided to the Mayor, with greater sanctions provided to Conduct Panels and Ministerial investigators and stronger sanctions where matters escalate to VCAT or the Minister for resolution.

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. 1. A desired harmonisation of the Act would incorporate the following:
 - a. An empowering and enabling Act;
 - b. A stripped down, simplified principles based Act, with just enough prescription to define the behaviours and outcomes expected of a council;
 - c. Language that a regular member of the community could pick up and understand. The use of jargon and acronyms should be minimised;
 - d. A genuine collaborative outcome achieved with the involvement of State and Local Government, along with other interested stakeholders;
 - e. A sustainable improvement based approach to the provision of services;
 - f. A shared and responsible allocation of functions across all levels of government with adequate and realistic financial resources to deliver the mix of services required in a cost effective manner;
 - g. The ability to establish shared services, regional services and other co-joined arrangements with good legal frameworks that do not inhibit the establishment of appropriate entities and partnerships;
 - h. The ability to recognize and adapt to the use of enabling technologies that are likely to radically change the delivery of council and government services in the next 25 years. The Act needs to embrace

the ability for new enabling technologies to be accommodated without the need for on-going amendments.

- i. The need for collaboration, meaningful consultation and shared ownership in the establishment of legislative amendments, guidelines or models, and shared service models.
2. The new Act should have other matters, such as roads management taken out of the Local Government Act and placed in the primary legislation that relates to that topic. This will reduce potential and real misalignment between pieces of legislation.

Any other comments?

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

Response:

1. No further responses



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What information do we collect?

Basic Identifying Information

We collect information from you when you register to use the website www.yourcouncilyourcommunity.vic.gov.au. This information may vary depending on the specific needs of DELWP (Review of Local Govt Act 1989), however, at a minimum is includes your:

- Screen Name
- Email Address

Additional demographic information such as your age, sex, suburb and interests may also be collected at this time.

Why do we collect this information?

To Collect and Collate your Feedback to Inform Better Policy

The principle reason for collecting this information is to help inform the creation of better policy. The information is therefore provided to DELWP (Review of Local Govt Act 1989) for analysis and interpretation at their discretion.

To Send you Periodic Emails

The email address you provide for registering on the site may be used by either Bang the Table or DELWP (Review of Local Govt Act 1989) to send you information and updates pertaining to the issues discussed on this site or any other site that we feel may be of interest to you.

Note: If at any time you would like to unsubscribe from receiving future emails, we include a simple unsubscribe link at the bottom of each email.

To Protect the Integrity of the Discussion

By monitoring the information you provide we are able to protect the integrity of the discussion from individuals and groups who may attempt to unduly influence the outcomes of the consultation process.

To Improve the Website & Software

The principle use of this information by Bang the Table is to help us to improve this website and the software that underpins it. We are continually striving to improve the experience of our participants based on your feedback.

Who has access to this information?

When you sign up for a user account you provide three types of information:

1. Publicly available information
2. Information available to both DELWP (Review of Local Govt Act 1989) and Bang the Table
3. Information available to Bang the Table only

Publicly Available Information

Publicly available information is limited to your screen name and any comments you leave under that name in the forums or other tools on the site.

Note: We strongly recommend use of an anonymous screen name.

Individual survey responses, voting patterns and quick poll responses will not immediately be made available publicly on the site, however, feedback (including overall results of polls and surveys, and in some instances, unidentifiable and randomly chosen quotes or comments from surveys) may be published in publicly available reports at the end of the consultation period.

Please also keep in mind, however, that under most local Freedom of Information laws formal submissions uploaded to this site can be made available for public viewing by DELWP (Review of Local Govt Act 1989) at its own volition or at the request of a member of the public.

Information available to both DELWP (Review of Local Govt Act 1989) and Bang the Table includes:

- All information from the Sign Up form.
- Comments
- Survey, Quick Poll, and comment voting responses
- General site activity such as document downloads.

Information Available to Bang the Table only

Information which is available only to Bang the Table is restricted to your IP address for site security purposes.

Do we disclose any information to third parties other than DELWP (Review of Local Govt Act 1989)?

We do not sell, trade, or otherwise transfer to outside parties your personally identifiable information. This does not include trusted third parties who assist us in operating our website, conducting our business, or servicing you, so long as those parties agree to keep this information confidential. We may also release your information when we believe release is appropriate to comply with the law, enforce our site policies, or protect our or others rights, property or safety.

However, we may from time to time notify you about other sites we are managing when we feel they may of direct relevance and interest to you. Please note that you can easily unsubscribe from these notifications at any time.

Third Party Links

Occasionally DELWP (Review of Local Govt Act 1989) may include links to third party sites. These third parties have separate and independent privacy policies. We therefore have no responsibility or liability for the content and activities of these linked sites.

Terms and Conditions

Please also visit our Terms and Conditions section establishing the use, disclaimers, and limitations of liability governing the use of our website.

Your Consent

By using our website, you consent to this Privacy Policy.