

Submission to Discussion Paper

Name	Gerry Smith
Suburb	Beechworth, Vic , 3747
Age*	
Gender*	Male

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

Organisation/council name:	Indigo Shire Council
Position/job title	Chief Executive Officer
Are you providing this submission on behalf of yourself or the organisation?	Submission is provided on behalf of Indigo Shire Council and in support of the preliminary response submission by the Municipal Association of Victoria.

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:

The submission of the Municipal Association of Victoria on behalf of the sector is supported with no additional comments.

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 submission of the Municipal Association of Victoria on behalf of the sector is supported with no additional comments.

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:

The submission of the Municipal Association of Victoria on behalf of the sector is supported with the following additional comments.

1. The issues identified in the discussion paper on strengthening details around the role of the Mayor, individual Councillors, CEO and Council staff are supported but have been largely addressed in the Local Government (Improved Governance) Bill 2015.
2. The principle of transparency is supported but the ongoing value and administrative need for Assemblies of Councillors needs to be considered.
3. Consideration of the requirement for Councillors to be physically present should be addressed. In rural and regional areas, attendance of Councillors may be facilitated through applications such as Skype and may enable higher levels of attendance and participation, provided the Councillors is present throughout the meeting as if they were physically present.
4. The proposed MAV position on Councillor allowances is endorsed.



**Review of the
Local Government Act 1989**

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:

The submission of the Municipal Association of Victoria on behalf of the sector is supported with the following additional comments.

1. The new Act should contain specific requirements for the formalization of longer term plans such as community plans, asset management plans and workforce plans. General reference to aspirational plans is inadequate.
2. The effectiveness is questioned of requiring development of a Council Plan within 6 months of a council election
3. The new Act should consider provisions to improving SRP and budget development and to consider adequate time for processes associated with activities such as rate cap variation processes. Consideration should be given to allowing a later adoption of the budget in the year to allow for these processes to occur effectively.

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:

The submission of the Municipal Association of Victoria on behalf of the sector is supported.

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:

The submission of the Municipal Association of Victoria on behalf of the sector is supported with the following additional comments.

1. The new Act should review and update Best Value and service review requirements.
2. The new Act should improve flexibility in procurement processes eg. Allowing Councils to set levels for public tenders etc. through its Procurement Policy.
3. The new Act should enable improvements to facilitating collaboration between Councils and shared services agreements through simplified entrepreneurial arrangements.

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:

The submission of the Municipal Association of Victoria on behalf of the sector is supported with the following additional comments.

1. Many of the issues identified in the discussion paper around councillor conduct, offences and enforcement have been largely addressed in the Local Government (Improved Governance) Bill 2015.
2. There is a need for simplification of the Conflict of Interest provisions.

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:

The submission of the Municipal Association of Victoria on behalf of the sector is supported.

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:

No comments offered.