

# Act for the Future - Directions for a new Local Government Act Submission Template

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

Organisation or council name	FinPro (Local Government Finance Professionals)
Position	President
Are you providing this submission on behalf of the organisation or council?	Organisation

## Key information about making a submission

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### Who can make a submission?

Anyone is able to make a submission to the Local Government Act review Directions Paper - whether you're responding yourself, or on behalf of a community group or local council.

### How will submission be used?

All submission received will be considered and used to inform the next stages of the review.

### Will submissions be made publicly available?

Written submissions (electronic and physical) will be made publicly available unless confidentiality is requested, and granted by the Local Government Act Review Advisory Committee, or if the committee determines the material should remain confidential. Submissions that are defamatory or offensive will not be published.

### Can I provide a submission in another format?

It is strongly preferred for submissions to be made through the online form or by completing this form. However, if another format suits your needs or the requirements of your organisation you are welcome to use another format.

### Do I have to respond to all of the questions in the template?

You're welcome to respond to as many, or as few, of the questions as you would like.

### How do I make a submission?

Submissions can be made in three ways:

- **Online** via the online submission form, or by uploading your completed submission form
- **Email** your completed form to [local.government@delwp.vic.gov.au](mailto:local.government@delwp.vic.gov.au)
- **Post** your completed form to:  
Local Government Act Review Secretariat  
C/o Local Government Victoria,  
PO Box 500, Melbourne VIC 3002

## Chapter 2: Contemporary councils capable of meeting future challenges

### Direction 1 proposes to:

Require councils to take the following principles into account when performing their functions and exercising their powers:

- the need for transparency and accountability
- the need for deliberative community engagement processes
- the principles of sound financial management
- the economic, social and environmental sustainability of the municipality
- the potential to cooperate with other councils, tiers of government and organisations
- plans and policies about the municipality, region, state and nation
- the need for innovation and continuous improvement
- any other requirements under the Act or other state or federal legislation.

Do you support this direction?  Yes  No

### What other comments would you make for this proposal?

We offer qualified support to the proposed direction of ensuring that councils take some key principles (including the desirability of deliberative community engagement processes) into account when performing their functions and exercising their powers. As a set of principles to frame the operations of a council we believe the above are generally well-considered.

That said, we assume that the term 'deliberative community engagement' refers to an approach to decision-making that allows participants to consider relevant information, discuss the issues and options and develop their thinking together before coming to a view.

As discussed elsewhere in the submission we support the use of deliberative community engagement strategies as appropriate, within a broader menu of approaches to consultation and engagement. However we do not believe the term 'deliberative' should be used in the Act in relation to mandating a form of community engagement.

### Direction 2 proposes to:

Provide that the role of a council is to:

- plan for and ensure the delivery of services, infrastructure and amenity for its municipality, informed by deliberative community engagement
- collaborate with other councils, tiers of government and organisations
- act as an advocate for its local community
- perform functions required under the Act and any other legislation.

Do you support this direction?  Yes  No

### What other comments would you make for this proposal?

We offer qualified support to the proposed 'role of council' as we believe the above to be generally well-considered.

Overall, this Directions Paper is well-founded in its efforts to support better practice in integrated planning,

embedding sound financial management practice, modern collaborative procurement and establishment of simpler, fairer and more transparent rating arrangements. Progress in this direction provides an opportunity to identify and strip away non-value adding regulatory impediments to efficiency.

However, we question the efficacy of prescribing that community engagement be 'deliberative'.

The Directions Paper points to numerous examples of leading practice using deliberative consultation techniques, which is the standard to which all councils should aspire in relation to consultation on key strategic planning processes. Indeed many councils have embarked on upskilling staff and councillors, particularly via an IAP2 methodology, to raise awareness and optimise the benefits of consultation.

Such initiatives are to be supported and encouraged. However we question whether best practice ought to be achieved via legislation, or by some other means.

In particular, we note that the achievement of 'deliberative' consultation may be a subjective judgment. Deliberative processes to directly engage a small number of people to consider complex and sensitive issues can be time consuming and costly. So that blanket inclusion in the Act of a requirement that such consultations be 'deliberative' may lead to a range of unintended consequences.

**Direction 3 proposes to:**

Provide that councils have the powers described in the Act and in other legislation.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 4 proposes to:**

Make the following reforms to the election of mayors:

- Elect all mayors for two-year terms
- Retain election of the mayor by their fellow councillors for most councils
- Provide the minister with power to approve the direct election of mayors for councils where:
  - the size of the council is sufficient to support the additional costs of direct election
  - the significance of the council in its own terms or in terms of the region in which it is situated supports a directly elected mayor
  - community consultation provides evidence of strong support for a directly elected mayor, recognising the additional costs to the community.
- Should the minister approve direct election of a mayor for a municipality, the City of Melbourne model will apply. This is that the mayor and deputy mayor are jointly elected by voters and councillors are elected at large to represent the entire municipality.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 5 proposes to:**

Expand the role of the mayor to include the following powers and responsibilities:

- to lead engagement with the community on the development, and the reporting to the community at least annually about the implementation, of the council plan
- to require the CEO to report to the council about the implementation of council decisions
- to appoint chairs of council committees and appoint councillors to external committees that seek council representation
- to support councillors—and promote their good behaviour—to understand the separation of responsibilities between the elected and administrative arms of the council
- to remove a councillor from a meeting if the councillor disrupts the meeting
- to mutually set council meeting agendas with the CEO
- to be informed by the CEO before the CEO undertakes any significant organisational restructuring that affects the council plan
- to lead and report to council on oversight of the CEO's performance
- to be a spokesperson for the council and represent it in conduct of public civic duties.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 6 proposes to:**

Review the formula for setting mayoral allowances in light of the proposed expanded role of mayors.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 7 proposes to:**

Formalise the status of the Local Government Mayoral Advisory Panel (LGMAP) by making it a statutory advisory board to the minister under the Local Government Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 8 proposes to:**

Require all councils to appoint a deputy mayor elected in a manner consistent with the mayor. That is:

- where councillors elect their mayor, councillors elect the deputy mayor for the same two-year period
- where the mayor is directly elected, a deputy mayor is jointly elected with the mayor on the same ticket.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 9 proposes to:**

Consider deputy mayoral allowances in light of the expanded role of deputy mayors.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 10 proposes to:**

Require councillors to actively participate in engagement processes mandated by the Act.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 11 proposes to:**

Require councillors to recognise and support the role of the mayor specified in the Act.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 12 proposes to:**

Provide that councillors are entitled to all relevant entitlements consistent with other significant public offices (such as for disability support, maternity leave and childcare).

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 13 proposes to:**

Require the CEO to provide support to the mayor by:

- consulting the mayor when setting council agendas
- keeping the mayor informed about progress implementing significant council decisions, including reporting on implementation when asked to do so
- providing information the mayor requires to meet the responsibilities of the role
- informing the mayor before making significant organisation changes that that affect the council plan
- supporting the mayor in their leadership role (such as by ensuring adequate council resources and access to staff for the proper conduct of council meetings and for civic engagements).

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 14 proposes to:**

Require all councils to have a CEO remuneration policy that broadly aligns with the Remuneration Principles of the Victorian Public Sector Commission's *Policy on Executive Remuneration for Public Entities in the Broader Public Sector*.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 15 proposes to:**

Require the audit and risk committee to monitor and report on a council's performance against the remuneration policy.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 16 proposes to:**

Require the mayor to get independent advice in overseeing CEO recruitment, contractual arrangements and performance monitoring.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 17 proposes to:**

Remove detailed prescription about council decision-making processes from the Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 18 proposes to:**

Include high-level principles about council decision-making processes: namely, that they be open and accountable.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 19 proposes to:**

Require councils to adopt rules about internal council processes that are consistent with the high-level principles in the Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 20 proposes to:**

Include in the new Act that a council may determine that information is confidential if:

- it affects the security of the council, councillors or council staff
- it would prejudice enforcement of the law
- it would be privileged from production in legal proceedings
- it would involve unreasonable disclosure of a person's personal affairs
- it relates to trade secrets or would disadvantage a commercial undertaking.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We support simplification of the criteria used to determine that information may be designated as confidential.

**Direction 21 proposes to:**

Require a committee to which a council may delegate any of its powers to be known as a special committee and require it to include at least two members who are councillors.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 22 proposes to:**

Allow councils to establish administrative committees to manage halls and reserves, with limited delegated powers including limits on expenditure and procurement; and for councils to approve annually committee rules that specify the roles and obligations of administrative committee members.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 23 proposes to:**

Apply legislative provisions exclusively to special committees that have delegated council powers and to administrative committees (as described in the proposed direction above).

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 24 proposes to:**

Remove from the Act provisions regulating assemblies of councillors, leaving councils to deal with issues of public transparency about these or any other advisory committees as part of the council's internal rules.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 25 proposes to:**

Remove matters about employing council staff from the Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 26 proposes to:**

Require the CEO to establish a workforce plan that describes the council's staffing structure including future needs; that the plan include a requirement that it can only be changed in consultation with staff; and that the plan be available to the mayor and to staff.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 27 proposes to:**

Require a council CEO to consult the staff if there is a major organisational restructure.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 28 proposes to:**

Require a community consultation process before making or varying a local law.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 29 proposes to:**

Include in the Act principles that local laws must meet and require that a council, after receiving advice from an appropriately qualified person, certify that the local law meets these principles.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 30 proposes to:**

Retain the power of the Governor in Council, on the recommendation of the minister, to revoke a local law that is inconsistent with the principles.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 31 proposes to:**

Note that model local laws may be issued as guidelines on various matters to achieve greater quality, consistency and scrutiny. These would be based on best-practice local laws.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 32 proposes to:**

Consult to determine the appropriate value of a penalty unit for local laws and whether the value should be indexed annually.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 33 proposes to:**

Remove the requirement to submit local laws to the minister.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 34 proposes to:**

Extend the band (currently 5–12) for the number of councillors per council to 5–15 and provide the minister with the power to increase the number of councillors per council within this band after receiving advice of the VEC.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 35 proposes to:**

Include in Regulations a formula for determining councillor numbers and require that the VEC consistently apply it. Base the formula on the ratio of councillors to residents, mediated by the geographic scale of the local government area, loading councillor numbers by one, two or three for geographically vast local government areas.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 36 proposes to:**

Allow for one of two representative structures—unsubdivided or entirely uniform multi-member wards—to be applied in each municipality. (Option 1) or

Allow for one of three representative structures—unsubdivided, entirely uniform multi-member wards or entirely single-member wards—to be applied in each municipality. (Option 2)

Initially this would require the VEC to conduct representation reviews to arrive at new council structures for the first council elections after the Act is enacted.

**Do you support option 1?**  Yes  No

**Do you support option 2?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 37 proposes to:**

Subject to fixing councillor numbers by formula and reducing the range of representative structures, conduct future electoral representation reviews by exception when the minister directs the VEC to conduct a review on the basis of:

- evidence of a marked increase in population in a municipality
- a request to the minister from a council or members of the community supported by evidence of the need for a review
- in response to a recommendation from the VEC
- on any grounds determined by the minister published in the government gazette.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 38 proposes to:**

Introduce partial preferential voting, consistent with Victorian Legislative Council elections, for multi-member wards and unsubdivided elections, such that the voter is only required to mark the ballot paper with the number of consecutive preferences for which there are vacancies to be filled.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 39 proposes to:**

Implement a countback method to fill casual vacancies between general elections by which all valid votes cast at the general election would be counted, not just those of the vacating councillor (excluding the votes that made up the quotas of the continuing councillors).

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 40 proposes to:**

Consolidate all electoral provisions in a schedule to the Act, arranged according to the model provided by the Electoral Act 2002; retain most provisions in the current electoral regulations; and retain procedural matters (such as prescribing forms and setting fees) in Regulations.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 41 proposes to:**

Make the entitlement to vote in a council election to be on the register of electors for the Victorian Legislative Assembly (the state roll) for an address in their municipality. Grandfather the voting entitlement of existing property-franchise voters in that municipality. Institute compulsory voting for all enrolled voters. **(Option 1)** or

Maintain the existing franchise but cease automatic enrolment of property owners and require these voters to apply to enrol for future council elections if they choose to do so. Institute compulsory voting for all enrolled voters. **(Option 2)**

**Do you support option 1?**  Yes  No

**Do you support option 2?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 42 proposes to:**

Require the VEC to revise the candidate's nomination form to require candidates to explicitly state that no disqualification conditions apply to them.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 43 proposes to:**

Require a council CEO to complete a police check and a check of the Australian Securities & Investments Commission (ASIC) register of persons disqualified under the *Corporations Act 2001* for elected candidates within three months after the general election. **(Option 1)** or

Require each candidate to submit a completed ASIC and police check when nominating. **(Option 2)**

Do you support option 1?  Yes  No

Do you support option 2?  Yes  No

What other comments would you make for this proposal?

**Direction 44 proposes to:**

Require adoption of a uniform voting method for council elections as determined by the minister after receiving advice from the VEC. Have the minister publish the method to be used in the government gazette 12 months before the general elections.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

## Chapter 4: Councils, communities and participatory democracy

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**Direction 45 proposes to:**

Include deliberative community engagement as a principle in the Act and include in the role of a councillor the requirement to participate in deliberative community engagement, leaving the method to be determined by each council.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Again we state our belief that 'deliberative' community engagement should not be a principle in the Act.

We also suggest that if a councillor is to be involved in determining on the outcome of a consultation process, it will be difficult for that councillor, having participated in the consultation process, to ensure that no bias is carried into the Council Chamber.

We therefore recommend deletion of the requirement to participate, particularly in the context of the council being guided by a key principle that supports consultation as proposed in Direction #1.

**Direction 46 proposes to:**

Require a council to prepare a community consultation and engagement policy early in its term to inform the four-year council plan and ten-year community plan.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We support this Direction as being in keeping with principles of transparency.

**Direction 47 proposes to:**

Require a council to conduct a deliberative community engagement process to prepare its council plan and to demonstrate how the plan reflects the outcomes of the community engagement process.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We offer qualified support to this direction.

We believe the requirement that the community engagement process be 'deliberative' does not recognise that a 'deliberative' process may not be appropriate in all circumstances.

**Direction 48 proposes to:**

Include in regulations that an engagement strategy must ensure:

- the community informs the engagement process
- the community is given adequate information to participate
- the scope/remit of the consultation and areas subject to influence are clear
- those engaged are representative of the council's demographic profile.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 49 proposes to:**

Require a council to complete its council plan by 31 December in the second year of its term, recognising the time required to conduct a deliberative community engagement process.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We are concerned regarding the link to a 31 December timeframe as it is 14 months after the Council election and aligns to calendar rather a financial year. That proposed deadline would result in the 'Year 1' budget being prepared in a strategic vacuum.

**Direction 50 proposes to:**

Require the mayor to report to the community each year about how the council plan has implemented the community's priorities as directed through the deliberative community engagement process.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 51 proposes to:**

Require a council to publish on its website all documents and registers currently required to be kept on council premises and ensure this information is accessible to the public.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 52 proposes to:**

Require a council to publish its CEO remuneration policy on its website.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 53 proposes to:**

Regulate for minimum standards and include in guidelines best-practice processes for ensuring transparency and accountability in council operations and administration, basing the guidelines on current Melbourne City Council practices.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 54 proposes to:**

Include in the Act a definition of a customer complaint consistent with the Ombudsman's recommendation of as it an 'expression of dissatisfaction with the quality of an action taken, decision made or service provided by a council or its contractor or a delay or failure in providing a service, taking an action or making a decision by a council or its contractor, but with the addition that the customer has been directly affected by the action.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 55 proposes to:**

Require a council to develop a policy about customer complaints that includes a process for dealing with customer complaints, and that the process contain an avenue for independent review that is clearly accessible to the public. Policy and statutory decisions of the council would not be subject to the complaints policy.

**Do you support this direction?**  Yes  No

What other comments would you make for this proposal?

## Chapter 5: Strong probity in council performance

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**Direction 56 proposes to:**

Incorporate the current councillor conduct framework largely unamended in the Act, including:

- the definitions
- the principal requirements imposed on councils and councillors, relevant statutory officers, principal councillor conduct registrars
- the role and powers of the minister and ministerial monitors and the Chief Municipal Inspector (CMI).

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 57 proposes to:**

Include in Regulations all the processes specified in the current councillor conduct framework.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 58 proposes to:**

Extend the offence of release of confidential information to council staff who unlawfully disclose confidential information.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 59 proposes to:**

This will make councillors and council staff liable to criminal prosecution for more serious disclosures and liable to disciplinary action—councillors for serious misconduct through the councillor conduct panel process and council staff under their contract of employment—for less serious breaches.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 60 proposes to:**

Provide that a conflict of interest exists where:

- the councillor or a person with whom they are closely associated stands to gain a benefit or suffer a loss depending on the outcome of the decision (a 'material conflict of interest') the councillor has, or could reasonably be taken to have, a conflict between their personal interests and the public interest that could result in a decision contrary to the public interest.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We support simplification of the conflict of interest provisions.

**Direction 61 proposes to:**

Make a breach of conflict of interest subject to disciplinary action for serious misconduct through a councillor conduct panel, at the discretion of the CMI. The maximum penalty a councillor conduct panel can impose for serious misconduct is six month suspension from office and loss of a councillor allowance for that period.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 62 proposes to:**

Retain the capacity to prosecute a person in court for a conflict-of-interest breach when it involves failure to disclose a 'material conflict-of-interest'. This is a criminal offence with a maximum fine of 120 penalty units and an associated disqualification from being a councillor for eight years.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 63 proposes to:**

Retain the current legislative provision on misuse of position.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 64 proposes to:**

Retain the current legislative provisions on improper direction, noting they will be supported by the further legislative measures to clarify the roles and responsibilities of councillors, mayors and CEOs set out in Chapter 2 of this paper.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 65 proposes to:**

Retain the current enforcement role, functions and powers of the CMI and the inspectorate.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

## Chapter 6: Ministerial oversight of councils

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### Direction 66 proposes to:

Include in the Act principles to apply to a proposal to create a new municipality, that:

- each new municipality shall be viable and sustainable in its own right
- the allocation of revenues and expenditures between municipalities being separated shall be equitable for the residents of each municipality
- the views of the communities affected by the restructuring shall be taken into consideration
- each new municipality shall have sufficient financial capacity to provide its community with a comprehensive range of municipal services and to undertake necessary infrastructure investment and renewal.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

### Direction 67 proposes to:

Other than the proposed direction above, retain the current provisions (in Part 10A) about altering external municipal boundaries.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

### Direction 68 proposes to:

Retain the power of the minister to:

- appoint a municipal monitor in a manner and with the role and powers as currently set out in the Act
- issue a governance direction to a council, noting that other powers of the minister to direct councils (such as the power to direct a council to submit financial statements under section 135) be included in this general power
- stand down a councillor as currently set out in the Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We strongly support the proposal that the powers of the minister to deal with individual councillors who are contributing to or causing serious governance failures at a council should be strengthened.

### Direction 69 proposes to:

Empower the minister to recommend that a councillor be suspended by an order in council where the councillor is contributing to or causing serious governance failures at a council. This power to only be exercisable in exceptional circumstances in that:

- the councillor has caused or substantially contributed to a breach of the Act or Regulations by the council or to a failure by the council to deliver good government and
- a council (by resolution), a municipal monitor, the CMI, the Ombudsman or the Independent Broad-based Anti-corruption Commission have recommended that the minister suspend the councillor on these grounds and
- the council, the municipal monitor, the CMI, the Ombudsman or the Independent Broad-based Anti-corruption Commission have satisfied the minister that the councillor has been provided with detailed reasons for the recommendation and was given an opportunity to respond to their recommendation and
- the minister is satisfied that if the councillor is not suspended that there is an unreasonable risk that the council will continue to breach the Act or continue to be unable to provide good government for its constituents.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 70 proposes to:**

Retain the provisions in the Act about the suspension and dismissal of a council in their current form, including the provisions allowing appointment of administrators.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 71 proposes to:**

Streamline the minister's power to conduct inquiries into councils into a single power to appoint commissions of inquiry consisting of one or more commissioners to inquire into and make recommendations to the minister about any matter as requested by the minister. This will include, but not be limited to:

- governance issues
- financial probity issues
- disputes between councils and between councils and other parties.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 72 proposes to:**

Retain the existing power to forbid a council from employing a new CEO or entering into a new contract with an existing CEO but amend the power to provide that it can only be exercised on the recommendation of a municipal monitor or the CMI.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 73 proposes to:**

Remove the power relating to senior officers from the new Act as all staff employment matters should be dealt with by relevant employment laws.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 74 proposes to:**

Bring all provisions (and all other elements) of the Fair Go Rates System into the new Act consistent with the legislative hierarchy in Chapter 10.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 75 proposes to:**

Retain the general power for the minister to recommend regulations to give effect to the Act and empower the minister to relieve a council of requirements to follow processes set out in Regulations.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 76 proposes to:**

Empower the minister to issue non-regulatory guidelines on any matter under the Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 77 proposes to:**

Remove the requirement to request ministerial exemption from public tenders, as explained in Chapter 8.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 78 proposes to:**

Remove the power requiring a contract for a senior officer: all employment matters for council staff will now be subject to employment law.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 79 proposes to:**

Explore an alternative method for handling instances of a majority of councillors having a conflict of interest preventing them voting on a planning scheme amendment.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

## Chapter 7: Integrated planning

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**Direction 80 proposes to:**

Include an integrated strategic planning and reporting framework in the Act that identifies the four-year council plan as a council's central strategic planning instrument, and also requires long-term (10 year) plans—being a community plan, financial plan and asset plan—and short-term (1 year) reporting documents—being the budget and annual report (containing all performance reporting).

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We support the notion of an integrated strategic and planning framework, with particular emphasis on the following:-

- that there be established a community plan – presumably to articulate the vision and priorities of the community, and also to provide a frame of reference for the council plan
- that the council plan, addressing delivery of services, infrastructure and amenity, be informed by community engagement
- that the council plan be used to inform a range of other strategic documents including the financial plan and the asset plan. In other words, that there be a clear hierarchy of strategic documents in place.

**Direction 81 proposes to:**

Include in Regulations and guidelines details about the information a council will include in each plan.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We submit that the provision of such information is necessary in the interests of clarity and consistency.

**Direction 82 proposes to:**

Require:

- a council to prepare and adopt a four-year council plan by 31 December of the second year after a general election
- preparation of the council plan to be informed by the deliberative community engagement process described in Chapter 4
- the council plan to include information about services, infrastructure and amenity priorities for the council term.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We offer qualified support as follows:

- as described above we submit that there is no need to push the preparation of the four-year council plan back to 31 December
- We would recommend deletion of the word 'deliberative' in relation to community engagement
- We agree that the council plan should include information about services, infrastructure and amenity priorities for the council term.

**Direction 83 proposes to:**

Remove the requirement to submit a copy of the council plan to the minister and replace it with a requirement to publish it on the council website and to have the mayor report annually to the community on the achievement of the council plan.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We support this proposal.

**Direction 84 proposes to:**

Require a council to prepare and adopt a rolling community plan of at least 10 years by 31 December of the second year after a general election to guide strategic planning and inform the preparation of the council plan. Require preparation of the community plan to be informed by the deliberative community engagement process that also underpins the council plan.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We offer qualified support to this proposal, which would require a council to prepare and adopt a rolling community plan of at least 10 years to guide strategic planning and inform the preparation of the council

plan. Also that preparation of the community plan is to be informed by the deliberative community engagement process that also underpins the council plan.

But in doing so we submit that:

- if the community plan is underpinned by a robust community engagement process, it may not be necessary for the council plan to be subject of the same obligations around consultation. In other words, the council plan may be viewed as the response of the organisation to a well-founded community plan; and
- we do not see the efficacy of a 'rolling' community plan. One of the attractions of a community plan is that it articulates a long term vision that is 'owned' by the community. This 'ownership' may well be eroded by an annual review process, however well-intentioned.

**Direction 85 proposes to:**

Set out in Regulations and guidelines what is to be included in the community plan, including a community vision statement.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 86 proposes to:**

Require all councils to prepare and adopt a rolling financial plan of at least ten years by 31 December of the second year after a general election, in accordance with the principles of sound financial management, and for council to review and approve this plan annually.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We offer qualified support for the reasons set out below.

Within this framework we strongly support the implementation of a ten-year financial plan document, to be adopted in-line with the budget adoption time-frame.

However, we are concerned regarding the link to a 31 December timeframe as it is 14 months after the Council election and aligns to calendar rather a financial year.

It is acknowledged that 10 year financial plans are becoming the norm and certainly in terms of debt management and asset management they are essential. It should be noted, however, that given the dynamic environment that local government it cannot control the level of revenue from its principle source of funding. Its reliability between years 5-10 comes in to question as models are based on broad assumptions that are difficult to predict over a longer horizon.

**Direction 87 proposes to:**

Remove the requirement for a council to prepare a strategic resource plan.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We agree that, if adopted, the ten-year financial plan should replace the current requirement for a four year Strategic Resource Plan.

**Direction 88 proposes to:**

Require the financial plan to:

- guide financial planning and inform the council plan
- provide the community with prescribed information about the human resource and capital works assumptions and decision-making underlying financial forecasts
- be informed by the deliberative community engagement process.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We offer qualified support as we would recommend removal of the term 'deliberative'.

**Direction 89 proposes to:**

Require all councils to prepare and adopt a rolling asset plan of at least ten years by 31 December of the second year after a general election, in accordance with the principles of sound financial management, and for a council to review and approve this plan annually. This plan will guide asset planning and inform the council plan.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We offer qualified support to this Direction as we consider there would need to be some clarification of the details required in the 10 year asset plan.

We also note that preparation of detailed project levels in the later years would be difficult for a number of Councils and potentially misleading for their communities.

**Direction 90 proposes to:**

Require the asset plan to include information about new assets, asset retirement, maintenance and renewal requirements for each class of infrastructure assets and to be informed by the deliberative community engagement process.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We offer qualified support in that it may be problematic if a 10 year asset plan is required to take account of all outcomes of consultations taken at a particular point in time. In effect the consultations should only bind a council in its current term.

**Direction 91 proposes to:**

Set out requirements for what is to be included in the financial and asset plans in Regulations and guidelines.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 92 proposes to:**

Require a council to prepare a budget annually and to review it mid-cycle at 31 December each year. Require the CEO to report the results and to explain material budget variations, including whether a revised budget is required, to council.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We offer qualified support to the proposal of a process where the CEO is to report to council the results and to explain material budget variations, including whether a revised budget is required.

We believe it should be considered alongside the current requirement under s138 of the Act in relation to reporting of actual and budgeted results.

We also consider that there would be a benefit in better description of the thresholds at which a revised budget, requiring public notice of a consultation process in relation to a material change to the adopted budget, is required.

**Direction 93 proposes to:**

Include in the Act a clearer definition of material variation in order to clarify when a revised council budget must be struck.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We believe this proposal is extremely necessary.

**Direction 94 proposes to:**

Remove the requirement to submit a copy of the adopted budget to the minister.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 95 proposes to:**

Require all councils to establish an audit and risk committee with an expanded oversight of:

- the integrated strategic planning and reporting framework and all associated documents
- financial management and sustainability
- financial and performance reporting
- risk management and fraud prevention
- internal and external audit
- compliance with council policies and legislation
- service reviews and continuous improvement
- collaborative arrangements
- the internal control environment.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We qualified support for the proposed wider brief for an audit and risk committee. This represents improved alignment with good practice models in practice in other sectors.

That said, we also note that increased meeting frequency and therefore increased cost to Councils will result if the Audit and Risk Committee is to be charged with such additional responsibilities. We therefore further submit that the careful consideration should be given prior to any additional compliance burden being placed on the Audit and Risk Committee.

Audit Committees should retain the discretion to determine their own charters. Several of the proposed items in Direction 95 would impose a significant workload on Audit Committees and turn them into a 'policing' style committee focussed solely on compliance –compared to the current focus on service improvements. For example 'compliance with Council policies' is an area that should not be in the domain of the Audit Committee but should be certified by Council.

**Direction 96 proposes to:**

Require the audit and risk committee to include a majority of independent members and include councillors, but not council staff.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

This proposal is in keeping with good practice and is supported.

**Direction 97 proposes to:**

Require the audit and risk committee to report to the council biannually and require each council to table the biannual audit and risk committee report at a council meeting.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 98 proposes to:**

Continue to require a council to include information in its annual report of operations about achievements against its council plan, community plan, financial plan, asset plan and budget.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 99 proposes to:**

Remove the requirement for a council to submit a copy of its annual report to the minister.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 100 proposes to:**

Require a council to present its annual report at an annual general meeting at which the mayor must report progress on implementing the council plan.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We support the current practice of council noting the Annual Report at an ordinary council meeting.

**Direction 101 proposes to:**

Require that in developing its council plan, a council take account of relevant aspects of regional and state plans that affect the municipality.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

## Chapter 8: Sustainable finances for innovative and collaborative councils

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**Direction 102 proposes to:**

Require a council to embed the principles of sound financial management in its council plan, community plan, financial plan and asset plan.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We generally support the proposed 'Principles of sound financial management'.

However we do consider that the sector would benefit from a definition of the term 'value for money', as 'lowest & cheapest' is presumably not the definition?

We also submit that some of the elements of the 'Best value provisions of the current Act might be used to contribute to better definition of 'value for money'. For example:-

- meet the quality and cost standards;
- be responsive to the needs of its community, including community expectations and values;
- accessible to those members of the community for whom the service is intended;
- achieve continuous improvement in the provision of services for its community;
- reviewed against the best on offer in both the public and private sectors;
- the balance of affordability and accessibility of services to the community;
- opportunities for local employment growth or retention;
- value of potential partnerships with other Councils and State and the Commonwealth governments;
- and
- potential environmental advantages for the Council's municipal district.

**Direction 103 proposes to:**

Include in the Act the following principles of sound financial management:

- manage financial risks prudently, having regard to economic circumstances
- align income and expenditure policies with strategic planning documents
- undertake responsible spending and investment for the benefit of the community to achieve financial, social and environmental sustainability over the long term
- provide value-for-money services and infrastructure which are accessible and responsive to the community's needs
- ensure that decisions are made and actions are taken having regard to their financial effects on future generations
- ensure full, accurate and timely disclosure of financial information about the council
- undertake regular stress testing and evaluation of financial risk management.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 104 proposes to:**

Remove the current best value provisions, as value for money is included in the new principles of sound financial management.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 105 proposes to:**

Require a council at the start of the council term to develop and adopt a procurement policy that is consistent with the principles of sound financial management and require that all council procurement practices and contracts comply with this policy.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We support this proposal in the interests of transparency.

**Direction 106 proposes to:**

Specify in Regulations what must be included in a procurement policy, including when council will go to tender for the provision of goods and services (including thresholds), the process for going to tender and what collaborative arrangements have been explored to deliver value for money for the council.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We support this proposal. In doing so we note that the current threshold limits to determine public notice contracts in section 186 are too low.

As a minimum amendment the dollar value should increase with CPI or be subject of review at, say, 3 yearly intervals. Further a single threshold amount for goods and services and works be considered

Also, this Review provides an opportunity to clarify, in relation to section 186, whether spend levels include or exclude GST; and the time period over which the spend levels apply.

One particular issue of concern is that Councils are required to tender for software upgrades and license renewals in situations where replacement of existing systems is not contemplated. Conduct of a public tender process under such circumstances can only diminish public confidence in local government procurement processes. We submit that there would be merit in using a transparent evaluation approach as described above to identify such circumstances that may be exempted from the requirement to conduct a public tender process.

We submit that the public interest would be served if clarification can be obtained that this issue can be addressed and resolved through a specific reference in the Procurement policy of the Council.

**Direction 107 proposes to:**

Require the audit and risk committee to review compliance with the procurement policy and require a council to report in its annual report any non-compliance with its procurement policy.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We offer qualified support and in doing so would suggest further review to ensure that only significant non-compliance with a procurement policy is required to be reported.

We question the public benefit involved in reporting of minor non-compliance in an annual report.

**Direction 108 proposes to:**

Require a council to make its procurement policy available on its website.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 109 proposes to:**

Remove the requirement for an annual review of the procurement policy and the requirement to obtain ministerial exemptions for failure to go to tender in certain circumstances.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 110 proposes to:**

Provide councils with automatic access to state purchase contracts, whole-of-Victorian-Government contracts and the *Construction Suppliers Register* to save time, strengthen standards and improve efficiency.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

In relation to our previous submission on the need for better alignment with the market approach policies of the Victorian Government Purchasing Board, we support the proposal to provide councils with automatic access to state purchase contracts, whole-of-Victorian Government contracts and the Construction Suppliers Register to save time, strengthen standards and improve efficiency.

However we again submit that an opportunity exists to optimize public value by providing better alignment with the market approach policies of the Victorian Government Purchasing Board. These policies would allow for selection of procurement approach based on market analysis.

**Direction 111 proposes to:**

Require councils to develop and adopt an investment policy in accordance with the principles of sound financial management and require all council investment decisions to be made in accordance with that policy.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 112 proposes to:**

Require the audit and risk committee to review compliance with the investment policy and require a council to report any non-compliance with its investment policy in its annual report.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We submit that the audit and risk committee should determine its program based on its assessment of risk. We believe this requirement to be unnecessarily prescriptive.

**Direction 113 proposes to:**

Require a council to develop and adopt a debt policy in accordance with the principles of sound financial management and only enter into debt in accordance with that policy.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 114 proposes to:**

Require the audit and risk committee to review compliance with the debt policy and require a council to report any non-compliance with its debt policy in its annual report.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We submit that the audit and risk committee should determine its program based on its assessment of risk. We believe this requirement to be unnecessarily prescriptive.

**Direction 115 proposes to:**

Remove the overdraft provisions and remove the requirement for the minister to approve the repayment of an overdraft from its borrowings.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 116 proposes to:**

Require councils to expressly describe in their budgets any intention to sell, exchange or lease land. This will enable consultation with the community during the budget process.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We offer qualified support, noting that from time to time opportunities to sell, exchange or lease land will emerge after the preparation of the council budget. In our opinion, the existing processes under the Act are clear and provide opportunities to engage with the community at the point when land sale, exchange or lease arises. This may not be evident during the budget process

**Direction 117 proposes to:**

Remove the requirement for a council to allow a person to make a submission under the Act in relation to the sale, exchange or lease of land where the matter has been considered as part of the budget consultation.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 118 proposes to:**

Remove from the Act the requirement for councils to have public liability and professional liability insurance. As a body corporate and organisation with a number of roles and responsibilities to the community and its staff, it is expected as a matter of course that councils take out appropriate insurance policies consistent with effective risk management as well as with the sound financial management principles in the Act.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 119 proposes to:**

Remove the entrepreneurial powers in the Act and include revised powers to allow councils to participate in the formation and operation of an entity (such as a corporation, trust, partnership or other body) in collaboration with other councils, organisations or in their own right for the delivery of any activity consistent with the revised role of a council under the Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

## Chapter 9: Fair rates and sustainable and efficient councils

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**Direction 120 proposes to:**

Require a council to prepare a revenue and rating strategy that:

- is for at least four years
- outlines its pricing policy for services
- outlines the amount it will raise through rates and charges
- outlines the rating structure it will use to allocate the rate burden to properties.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 121 proposes to:**

Require a council to align the strategy to its financial plan and to review and adopt it after each general revaluation of properties.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

The proposal is in keeping with increased transparency and is supported.

**Direction 122 proposes to:**

Define all land as rateable except for the following four categories of land that would be exempt:

- land of the Crown, public body or public trustee that is unoccupied or used exclusively for a public or municipal purpose (to be defined to mean to perform public functions for the common good)
- land vested or held in trust for any charitable not-for-profit organisation and used exclusively for a charitable purpose (to be defined to mean the relief of poverty, the advancement of education, the advancement of religion or for other purposes beneficial to the community and the environment)
- land vested or held in trust for any religious not-for-profit body and used exclusively as a residence of a minister of religion or place of worship or for the education to be a minister of religion
- land held in trust and used exclusively as a not-for-profit club for persons who performed service duties under the *Veterans Act 2005*. **(Option 1)** or

Include land subject to a lease, sublease, licence or sublicense that is used for the purposes in Option 1, provided the lease, sublease, licence or sublicense is for a nominal amount (that is, the lease or rental amount is very small compared with the actual market lease or rental amount: commonly called a peppercorn rent).

Make land rateable that is:

- owned by a for-profit organisation but leased to a charitable organisation
- used exclusively for mining purposes. **(Option 2)**

Do you support option 1?  Yes  No

Do you support option 2?  Yes  No

What other comments would you make for this proposal?

**Direction 123 proposes to:**

Retain the capacity for councils to grant rebates and concessions and apportion rates based on separate occupancies or activities.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 124 proposes to:**

Require councils to apply capital improved value as the single uniform valuation system for raising general rates. The City of Melbourne would be exempt from this provision.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

We submit that this is a matter for consultation with those councils currently using NAV as the valuation system for rating purposes.

**Direction 125 proposes to:**

Fix the municipal charge at a maximum of 10% of the total revenue from municipal rates and general rates in the financial year, divided equally among all rateable properties.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 126 proposes to:**

Retain differential rates in their current form. Continue through ministerial guidelines to advise that farm land and retirement villages are appropriate for the purposes of levying differential rates at the discretion of councils.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

We offer qualified support to this proposal.

We do hold reservations as to whether the Act should make particular reference to farm land and retirement village as being appropriate bases for differential rates. We believe that the key driver for the rate mix should relate to the rating strategy

**Direction 127 proposes to:**

Require councils to clearly specify how the use of differential rating contributes to the equitable and efficient conduct of council functions compared to the use of uniform rates (including specification of the objective of and justification for the level of each differential rate having regard to the principles of taxation, council plans and strategies and the effect on the community).

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 128 proposes to:**

Retain the requirement that the highest differential rate must be no more than four times the lowest differential rate.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 129 proposes to:**

Retain service rates and charges, renamed 'service charges' but remove their application to the provision of water supply and sewage services.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 130 proposes to:**

As part of these changes, provide the minister with the power to prescribe the setting of other service charges in Regulations.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 131 proposes to:**

Retain special rates and charges, but provide clearer guidance in the Act about the purpose of special rates and charges, and about the criteria councils should use when declaring them and determining the benefit ratio.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

It is relatively clear in the Act already.

**Direction 132 proposes to:**

Allow councils to offer ratepayers the ability to pay by lump sum or more frequent instalments on a date or dates determined by a council, provided all ratepayers have the option to pay in four quarterly instalments. Penalty interest when it is charged is to be charged on any late payment from the respective instalment due date.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

FinPro supports this proposal to allow councils to offer ratepayers the ability to pay by lump sum or more frequent instalments on a date or dates determined by a council, provided all ratepayers have the option to pay in four quarterly instalments.

However we believe that the Direction does not go far enough. It was pleasing to read commentary in the Directions Paper in support of this Recommendation.

For example on Page 28, "Ratepayers also want more information in rates notices and access to modern, convenient payment methods." Page 96 also contains a comment supporting "... greater convenience for ratepayers and efficiency for council administrations in collecting and processing rates." However there are no specific Directions in support.

**Direction 133 proposes to:**

Allow a council to use rebates and concessions to support the achievement of their council plan's strategic objectives, provided that the purpose is consistent with their role

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 134 proposes to:**

Clarify in the Act that, where a ratepayer successfully challenges the rateability of land, a refund of rates may only be backdated to the date of most recent ownership.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 135 proposes to:**

Establish a uniform process and timeline for people wanting a review or to appeal a rates or charges decision.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 136 proposes to:**

Incorporate the municipal council rating provisions in the *Cultural and Recreational Lands Act 1963* in the Local Government Act. Require in the Act that councils disclose the rates that are struck for cultural and recreational lands.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 137 proposes to:**

Incorporate the municipal council rating provisions in the *Electricity Industry Act 2000* in the Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

## Chapter 10: A rational legislative hierarchy

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**Direction 138 proposes to:**

Create a systematic legislative hierarchy comprising new principle-based provisions in the Act and new Regulations setting out the processes required to meet the obligations set out in the Act, and with the capacity for the minister to issue ongoing non-statutory sector guidance as required about any aspect of the Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 139 proposes to:**

Include an overarching statement of the Act's objectives, intended outcomes and a plan of the remaining provisions in the Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

**Direction 140 proposes to:**

Include high-level statements to frame the structure, language and content of the remainder of the Act, including new sections setting out the roles and functions and powers of councils.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 141 proposes to:**

Include a general power for the minister to make Regulations setting out the requirements councils must meet when exercising their powers or discharging their responsibilities under the Act (for example, requirements about the conduct of elections and mandated obligations under the councillor code of conduct framework). Include in this power capacity for other relevant subordinate legislation (such as legislative instruments like ministerial orders and governor-in-council orders) with the subordinate legislation only relating to matters permitted by the Act.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 142 proposes to:**

Empower the minister to release a council from the processes set out in Regulations if the council can show it is successfully discharging its obligations under the Act using different processes.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 143 proposes to:**

Include a general power for the minister to make guidelines to supplement Regulations on any issue related to the Act (such as best-practice versions of documents councils must adopt like councillor codes of conduct, budget documents, meeting procedures and councillor briefing processes). The presumption would be that, by adopting these best-practice documents, a council would comply with the Act and Regulations.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 144 proposes to:**

Empower the minister through the ministerial directions power to require a council to adopt these best-practice policies and procedures where there have been governance failures.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 145 proposes to:**

Require councils to take the following principles into account when performing their functions and exercising their powers:

- the need for transparency and accountability
- the need for deliberative community engagement
- the principles of sound financial management
- the economic, social and environmental sustainability of the municipality
- the potential for cooperation with other councils, tiers of government or other organisations
- plans and policies in relation to the municipality, region, state and nation

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 146 proposes to:**

Retain the current power of the minister to intervene where a council does not comply with the obligations set out in the Act or regulations by imposing a municipal monitor or by issuing a ministerial governance direction.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 147 proposes to:**

Include a general power for the minister to make Regulations setting out the detailed requirements of councils when exercising their powers or discharging their responsibilities under the Act (such as requirements about the conduct of elections and mandated obligations under the councillor code of conduct framework). Include in this power other relevant subordinate legislation.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 148 proposes to:**

Empower the minister to release a council from the processes set out in Regulations if the council can show it is successfully discharging its obligations under the Act using different processes.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 149 proposes to:**

Provide guidance to the sector in relation to governance, compliance and best practice. This guidance will be in the form of guidelines and formal and informal advice to the sector.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 150 proposes to:**

Create best-practice versions of essential documents that councils are required to adopt. Adoption of these best-practice documents will constitute compliance.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 151 proposes to:**

The minister will have a power under the new Act to require the council to adopt best-practice policies and procedures as part of a governance order where governance issues have been identified.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 152 proposes to:**

Incorporate relevant portions of Part 9, Division 2 and schedules 10 and 11 of the current Act into the *Road Management Act 2004* (or other relevant legislation), to better consolidate the legislation dealing with road management.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 153 proposes to:**

Clarify the role of councils in local drainage, waterways and flood management. Consult about whether these are included in the new Act or in the *Water Act 1989*.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 154 proposes to:**

List all Acts that impose obligations on councils in a schedule in the new Act, to be updated as new legislation is enacted.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 155 proposes to:**

Repeal the *City of Greater Geelong Act 1993* and include relevant provisions in the new Act.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 156 proposes to:**

Retain the *City of Melbourne Act 1993* as a separate Act with the City of Melbourne retaining its distinct electoral provisions. Consider ways to modernise the Act and remove redundant or outdated provisions.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

**Direction 157 proposes to:**

Consider matters relating to the *Municipal Associations Act 1907* independently of this directions paper in consultation with the Municipal Association of Victoria.

**Do you support this direction?**  Yes  No

**What other comments would you make for this proposal?**

# Terms and conditions of this submission paper

## Privacy Policy

Bang the Table Pty Ltd (Bang the Table) manages the website on which this consultation takes place – on behalf of DELWP (Review of Local Govt Act 1989).

Bang the Table takes the privacy of the participants using this site very seriously.

Our collection, use and disclosure of your personal information is regulated by the National Privacy Principles under the *Privacy Act 1988*, as amended from time to time and also by the relevant State legislation (depending on the State in which the client is located). You can find more information about your privacy rights at the Privacy Commissioner's web site, <http://www.privacy.gov.au>

Note: This Privacy Policy applies to the Bang the Table's behaviour and treatment of your information and should be read in conjunction with the DELWP (Review of Local Govt Act 1989) Privacy Policy.

## DELWP (Review of Local Govt Act 1989) - Privacy Policy

### Who do I contact for more information?

Bang the Table may be contacted in relation to privacy policy issues by email at [myprivacy@bangthetable.com](mailto:myprivacy@bangthetable.com) or addressed to Bang the Table Pty Ltd, Suite 15, 104 Moor Street Fitzroy VIC 3065 Australia.

### 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](http://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

#### ***Demographic Information***

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.