

## 11.8 REVIEW OF THE LOCAL GOVERNMENT ACT 1989

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### PURPOSE OF REPORT

To present to Council a draft submission on the Discussion Paper concerning the Review of the *Local Government Act 1989*.

### RECOMMENDATION:

That Council make a submission in relation to the review of the *Local Government Act 1989* as set out in the draft document attached at **Appendix 2**.

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### REPORT

#### 1. Executive Summary

The Government has called for the first round of submissions, identifying the broad issues, in relation to the Review of the *Local Government Act 1989* ('the Act') by 18 December 2015.

This submission is intended only to raise the issues for further consideration. Accordingly, it need not be exhaustive nor represent Council's final position on any matter.

The attached draft submission focuses on what is considered to be the high level issues for further consideration (**Appendix 2**).

#### 2. Background/Issues

On Tuesday 11 August 2015 the Government announced a review ('the Review') of the *Local Government Act 1989* ('the Act').

The Terms of Reference are set out at **Appendix 1**.

The purpose is stated as:

*to revise the current legislation governing local government in Victoria to create a more contemporary, accessible, plain English Act, that meets current and future needs of the community and local government sector.*

The Scope includes all aspects of the current Act "with a view to more accurately and consistently reflecting policy intent and improving clarity" including the form of the Act itself.

The Principles underpinning the Review include, but are not limited to:

- The recognition in the Victorian Constitution of local government as a distinct and democratic tier of government in Victoria charged with responsibility for delivering peace, order and good government for local communities.
- The necessity for the legislation to strike an appropriate balance between autonomy for councils in their operations and decision-making processes and the interests of the Victorian community and Government.

The Government released a Discussion Paper ('the D') as the first stage of what it advises will be as an 'extensive consultation process'. The DP is intended to "begin a conversation, with the sector and the community more broadly".

The Government has invited all Victorians to make a submission in relation to the DP either online or by post by 18 December 2015.

This submission is intended only to raise the issues for further consideration. Accordingly, it need not be exhaustive nor represent Council's final position on any matter.

Broadly, the Government's current proposed timetable is as follows:

- Identification of the Issues – September 2015 to December 2015
- Consideration of the submissions on the DP and technical working groups consultation – December 2015 – March 2016
- Development of a Directions Paper – 2016
- Drafting of a bill and ongoing consultation – 2017
- Implementation of a new Act – 2018

Four members of Council are participating on the technical working groups, being Finance Manager, Legal Services Manager, Customer Engagement Manager and Local Laws Coordinator.

### **3. Council Plan Reference and Policy Reference**

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability
  - 2.5 Advocate in the best interests of our community and region*

### **4. Financial Considerations**

There are no financial considerations.

### **5. Consultation/Public Submissions**

This submission is intended to be by and on behalf of the Council itself and thus public consultation has not been undertaken. The submission is intended only to raise the issues for further consideration. Accordingly, it need not be exhaustive nor represent Council's final position on any matter.

The Government has invited all Victorians to make a submission in relation to the DP either online or by post by 18 December 2015.

### **6. Risk Analysis**

If no submission is made, there is a risk that some of the issues may be overlooked.

### **7. Options**

1. Resolve to make a submission in substantially the same terms as set out at **Appendix 2**.
2. Resolve to make a submission in different terms to those set out at **Appendix 2**.
3. Not make a submission.

**LIST OF APPENDICES**

1. Terms of Reference
2. Submission - Review of Local Government Act 1989