



Malvern East Group

MEG Supports *PLANNING BACKLASH*

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MEG Submission re Local Government Bill...2019

Introduction

MEG is a group of local residents which deals with planning issues. We provide assistance re process to local residents who wish to oppose inappropriate development. We attend all Council Meetings and make submissions to Local Council and Planning Panels Victoria regarding planning scheme amendments and overlays. We have made submissions to State Government regarding planning issues.

Local Government Bill

There is a declining trust in all levels of government in Australia and governments have to deal with this while giving...or appearing to give.....value to its citizens. State Government's Reform of Local Government Bill falls into the latter category. It **appears** to be giving value to local communities by making changes at the level of government that is closest to the people....i.e. local councils. In fact what it **is actually doing** is launching an attack on councillors and ignoring the fact that 'local councils' are made up of elected representatives of what the VEC calls "communities of interest" **and** members of staff who are charged with keeping councillors fully informed of all facets of an issue so that councillors can make valid decisions based on fact.

The proposed Local Government Bill does not put the entire structure of local councils under the microscope....and therein lies its primary flaw.

Single councillor wards

This proposal for all municipalities , other than the rural shires, is in direct opposition to what the VEC attempts to foist upon the municipalities. For example, the VEC is attempting for a second time to divide the municipality of Boroondara into multi-councillor wards just as the Local Government Minister is proposing that all municipalities have what Boroondarra has and is determined to keep. This is shaping up to be a VEC versus State Government situation.

The Minister is quoted in The Age on July 14...

"single member wards would achieve greater accountability, equity and grass roots democracy."

Further to that,

"Victorians should be represented by councillors who know their constituents and are across local issues."

Strangely enough when the VEC foisted multi-councillor wards on to Stonnington they said

the same thing. Does the Minister know what the VEC wants? Does the VEC know what the Minister wants? Does either care?

The Minister does not draw attention to the fact that the preferential voting system used in single-councillor wards makes it more difficult for minor political parties and independents to win a seat on council. The proportional voting used in multi-councillor wards is an easier route to local power by minor political parties and independents.

This may or may not be a good thing. We simply point out what we believe is the motivation of State Government in proposing single-councillor wards. The underlying proposition is not "fairness for the people." It's politics.

Community-initiated commission of inquiry

We are reminded of a statement made by Justice Kevin Bell in the Supreme Court in 2010 when a Stonnington councillor was appearing before him...."Removing a councillor is a serious business."

MEG is often in a situation where council staff and/or councillor(s) are criticised because an unpopular decision has been made.

Is that the sort of thing the Bill has in mind? Will disgruntled residents have the power to initiate an inquiry into the behaviour of one or more councillors when a decision that does not suit them is made? Clearly they can have nothing to do with an officer's advice because the Bill does not deal with the structure of council as a whole. What safeguards does the Bill provide? How serious are the accusations to be? How many ratepayers are to constitute the "commission?" How serious does the councillor misconduct need to be before State Government will allow a 'commission of inquiry?'

The behaviour of some councillors at the meetings we attend is to be deplored but would probably be considered minor in the greater scheme of things. We have seen councillors viewing animal videos on an iPad during meetings. Often the utter discourtesy of one councillor towards another reeks of the worst playground behaviour that would not be tolerated at primary school level. There are conversations with one's 'mate' while another councillor has the floor. The obvious lack of preparation for the meeting is an insult to the community. None of these are beheading offences. They are abdications of duty and surely the Minister does not consider that any or all of them could be the subject of a "commission of enquiry" but it is not clear exactly WHAT such a commission could deal with. The Inspectorate stated on one occasion that a particular councillor's campaign material was "unethical but not illegal." Apparently nothing can be done about unethical behaviour. A situation can only be dealt with when it crosses that indefinable line and reaches the stage of being illegal.

It seems that the reforms proposed by State Government do not address the significant issue...i.e. **when does 'unethical' become 'illegal.?'**

Transparency and accountability

The Bill does not address these issues and MEG would see them as the major issues for government at any level. We understand that some issues are confidential and clearly "commercial in confidence" is one of these. Protecting an individual's privacy an issue. Under the guise of privacy we see council going overboard and we use as an example of this. In Stonnington we have an agenda item...

"Questions to council from members of the public."

These are not made public at Council meetings. They used to be but this situation no longer exists. We don't know why. Residents would like to hear what others are concerned about. We would also like to hear the responses. Secrecy prevails. The questioner receives a written response within 2 weeks. The response does not always incorporate a precise answer. It is often just that....a response. Answers are more difficult. Some years ago it was suggested that councillor 'briefings' be open to the public. That suggestion barely saw the light of day. Councillors are 'briefed' by staff on matters that will be dealt with at a subsequent council meeting. What can be secret about that? Who knows?

Clearly these practices are quite contrary to the principle of TRANSPARENCY and it is an abrogation of duty for the Minister not to deal with this matter.

The entire structure of councils should incorporate the matter of transparency and if this were to occur ACCOUNTABILITY would automatically follow.

Empowering the Mayor

What on earth this is supposed to achieve is quite beyond us. Ratepayers elect a certain number of councillors. Those councillors, for better or for worse, elect one of their number to be a Mayor, usually for one year. Over a 4 year period it is possible to have 4 mayors. Does the Minister really think that each one of those councillors should have more power over **what exactly?**

Councillor disqualification

This could happen if there were "serious misconduct" on the part of a particular councillor. The serious misconduct would be reported under the **Arbitration Process** to the **Principal Councillor Conduct Registrar**. What on earth does all of that mean? What actions could be deemed to be 'serious misconduct?' Who would be the 'registrar' and what would the 'registrar' do?

The Minister should keep in mind the words of Justice Kevin Bell..."removing a councillor is a serious matter."

Summary

We believe that this Bill does not deal with the real issues of local government. These are the matters of TRANSPARENCY and ACCOUNTABILITY. It does not deal with the entire structure of local government. It merely puts councillors in the line of fire whilst purporting REFORM and it seeks to manipulate the entire local government situation by allowing only preferential voting whether the people want that or not and whether the VEC wants that or not. It is a flawed vision.

Ann Reid (MEG Convenor)