

FUTURE MELBOURNE (FINANCE AND GOVERNANCE) COMMITTEE REPORT

Agenda Item 6.7

PARTICIPATION IN UPCOMING LOCAL GOVERNMENT FORUMS

9 April 2013

Presenter: Keith Williamson, Manager Governance Services

Purpose and background

1. The purpose of this report is to provide for City of Melbourne participation in the following upcoming local government forums:
 - 1.1. Municipal Association of Victoria (MAV) State Council Meeting to be held in Melbourne on 16 May 2013. Member councils have the opportunity of submitting motions for consideration on matters which are of state-wide significance to local government; and
 - 1.2. Australian Local Government Association (ALGA) National General Assembly to be held at the National Convention Centre, Canberra between 16 and 19 June 2013. The Assembly's theme is *Foundations of the Future-Twenty13*. Member councils have the opportunity of submitting motions of national significance to local government.

Key issues

2. Attachment 2 outlines details of motions relating to the following subjects proposed for consideration at the MAV State Council Meeting:
 - 2.1. *Sentencing Act 1991* – Suggested changes;
 - 2.2. Smoke-free alfresco dining – Whole of Victoria approach;
 - 2.3. Environmental Upgrade Agreements – Suggested inclusion in *Local Government Act 1989*;
 - 2.4. Gender balance in lead roles at conferences and events staged by the MAV; and
 - 2.5. Website disclosure of council leasing arrangements.
3. As Council's appointed representative and alternate representative respectively, Councillors Stephen Mayne and Rohan Leppert will represent City of Melbourne at the MAV State Council meeting. The Deputy Lord Mayor Susan Riley will also attend the meeting.
4. Attachment 3 outlines a motion relating to the following subject proposed for consideration at the ALGA National General Assembly:
 - 4.1. Opportunities for regional collaboration by local government.
5. The Committee is requested to nominate Councillor representation at the ALGA National General Assembly.

Recommendation from management

6. That the Future Melbourne Committee:
 - 6.1. approve the motions outlined in Attachments 2 and 3 for consideration at the MAV State Council meeting and ALGA National General Assembly respectively;
 - 6.2. nominate a Councillor to represent the City of Melbourne at the ALGA National General Assembly in Canberra between 16 and 19 June 2013 at an estimated cost of \$3115 per Councillor; and
 - 6.3. note that the Councillor nominated to travel to Canberra for the ALGA National General Assembly will prepare a report to the Future Melbourne Committee within 14 days of the finalisation of travel costs.

SUPPORTING ATTACHMENT

Legal

1. There are no direct legal implications arising from the recommendation contained in this report. Some of the proposed motions for the MAV State Council meeting and ALGA National General Assembly recommend legislative changes including those relating to the *Local Government Act 1989* and *Sentencing Act 1991*.

Finance

2. The cost associated with representation at the ALGA National General Assembly in Canberra is estimated at \$3115 per Councillor. This includes conference registration fee (\$1130), accommodation for three nights (\$870), airfare (\$625) and incidentals (\$490).

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

4. The topics relating to some of the proposed motions have been the subject of discussion with adjoining municipalities.

Relation to Council policy

5. Many of the proposed motions involve advancing initiatives in which the City of Melbourne has taken a lead role. This includes Environmental Upgrade Agreements and opportunities for collaboration in local government.

Environmental sustainability

6. The motion relating to broader application of Environmental Upgrade Agreements throughout Victoria presents environmental opportunities through greater energy and water efficiency in non-residential buildings.
7. The carbon emission resulting from air travel to attend the ALGA National General Assembly will be offset with the purchase of credits.

Attachments:

1. Supporting Attachment
2. Proposed motions: MAV State Council meeting
3. Proposed motions: ALGA National General Assembly

MAV STATE COUNCIL MEETING, 16 MAY 2013: PROPOSED MOTIONS

SUBJECT: SENTENCING ACT 1991 - SUGGESTED CHANGES

PROPOSED MOTION:

That the State Government amend the *Sentencing Act 1991* to:

- 1. ensure a sentencing option available to Magistrates is to direct monies be paid by an accused to the Court Fund; and**
- 2. empower local governments and their officers to take enforcement proceedings if a condition imposed by a Magistrate as part of an adjourned undertaking is breached.**

BACKGROUND/RATIONALE:

A recent decision of the Supreme Court in an Appeal by Council (*Brittain v Mansour* [2013] VSC 50) identified errors in law in how magistrates have been imposing sentences under *Sentencing Act 1991*. The decision suggests there are other broader deficiencies in the Sentencing Act which may impede the ability of magistrates to require penalties be paid to the Court Fund. The Court Fund is used to distribute monies to charities. The issue is one that requires the State to amend the law to remove the doubt.

Part two of the motion alludes to the fact that where a magistrate imposes a penalty in a local government prosecution involving an accused doing something in lieu of a fine, local governments and their officers have no power to initiate proceedings in the Magistrates Court where the penalty is not complied with.

SUBJECT: SMOKE-FREE ALFRESCO DINING – WHOLE OF VICTORIA APPROACH

PROPOSED MOTION:

That the State Government implement a state wide approach that provides for smoke-free alfresco dining in Victoria.

BACKGROUND/RATIONALE

The City of Melbourne is committed to improving the health and well-being of all members of the community. The Council believes that smoking in all outdoor dining venues should be banned but that such a ban needs to be state-wide to avoid confusion to patrons and businesses alike. A state-wide ban will provide certainty to businesses, particularly those with premises in more than one municipality and allow diners to enjoy a safe, smoke-free environment.

SUBJECT: ENVIRONMENTAL UPGRADE AGREEMENTS – SUGGESTED INCLUSION IN LOCAL GOVERNMENT ACT 1989

PROPOSED MOTION:

That the State Government amend the *Local Government Act 1989* to enable all councils in Victoria, in partnership with Australian financial institutions, to enter into voluntary Environmental Upgrade Agreements with building owners to finance environmental upgrades for energy and water efficiency for non-residential buildings.

BACKGROUND/RATIONALE

To address this challenge and realise the benefits of energy efficiency in commercial buildings for the city and the environment, the City of Melbourne has demonstrated leadership in establishing the 1200 Buildings Program and associated Environmental Upgrade Agreements.

The 1200 Buildings Program aims to catalyse the retrofit of two thirds of the city's privately owned buildings for energy and water efficiency. City of Melbourne's research identified that two significant barriers to retrofit activity are:

- access to information and skills; and
- access to finance to finance retrofits

In response to the gap in access to finance, City of Melbourne developed the concept then worked with the State Government to establish the world's first local government legislations for existing commercial buildings – Environmental Upgrade Agreements.

In September 2010 the *City of Melbourne Act 2001* was amended by the State Government of Victoria to enable Melbourne City Council, in partnership with Australian financial institutions, to enter into voluntary Environmental Upgrade Agreements (EUA) with building owners to finance environmental upgrades for energy and water efficiency for non-residential buildings.

This finance mechanism was developed to remove a number of barriers preventing building owners from accessing finance to retrofit buildings for energy and water efficiency.

The Environment Upgrade Agreements are supported by a broader policy response to meet the information and skills gap in retrofitting by establishing an educative and resource platform for building owners, tenants, facility and building managers, product and service providers, financiers, legal professions, valuers and surveyors.

The application of EUA in a broader local government context would be beneficial and would demonstrate strong local government leadership in sustainability.

The potential benefits of the program are increasingly being recognised by other Australian states. The City of Adelaide is currently reviewing the concept and as part of deliberations has considered an independent report produced for the State Government. The report by SGS Economics and Planning, titled [*Environmental Upgrade Finance: Business Model and Business Case: Final Report*](#) endorses the model undertaken and pioneered by the City of Melbourne in many aspects and specifically with regard to a third party administered program.

SUBJECT: GENDER BALANCE IN LEAD ROLES AT CONFERENCES AND EVENTS STAGED BY THE MAV

PROPOSED MOTION:

That the State Council:

- 1. notes with concern that only 2 of the 15 panellists chosen to present at the MAV-convened Future of Local Government National Summit on 22-23 May 2013 are women; and**
- 2. requests the Board to review processes relating to the selection of presenters at conferences and events organised or convened by the MAV, such that an equitable gender balance among presenters and speakers can be achieved at future conferences and events.**

BACKGROUND/RATIONALE

The MAV's National Summit is promoted as a forum open to anyone with an interest in the future of local government.

The MAV acknowledges that only 34% of councillors in Victoria are women and that further action is required to address under representation in the sector.

The Victorian Local Government Women's Charter supported by the MAV strives for greater gender equity, diversity and active citizenship in decision-making forums and democratic governance.

The newly elected MAV Board has a female-majority membership and now has an opportunity to further advance the objective of greater gender equity in the local government sector and democratic forums generally.

As the peak body for local government in Victoria, the MAV hosts a range of conferences, forums and events which aim to engage and inspire those interested in the future of local government. Some of these forums are open to those not currently involved in local government and may be interested in the entering the sector.

Accordingly, it is proposed that the MAV undertake a review of processes with a view to seeking a more equitable gender balance in speaking/presenter roles at conferences and events.

SUBJECT: WEBSITE DISCLOSURE OF COUNCIL LEASING ARRANGEMENTS

PROPOSED MOTION:

That the State Council:

- 1. Embraces the concept of open government through the systematic release of more data and information by member councils about their operations.**
- 2. Commends Manningham City Council for being the first Victorian council to comprehensively disclose on its website the terms on which third parties lease council land and buildings.**
- 3. Encourages other Victorian councils to follow Manningham's lead and publish a lease register online which allows the public and all stakeholders to understand who has access to ratepayer owned land and buildings, for how long and on what terms.**

BACKGROUND/RATIONALE

The Victorian Local Government Act requires councils to maintain a lease register which can be physically inspected at council offices. However, few members of the public are aware of this requirement and therefore it is a request which councils rarely have to deal with.

Therefore, by publishing a readable version of the lease register online, the community would be better informed about the groups which access and the activities that occur on council-owned land and buildings.

"Citizenville", the recent book published by former San Francisco mayor Gavin Newsom, mounts a very strong critique in favour of open government and the empowerment of community through the release of treasure troves of data held by public agencies.

Ever since the 1990s reforms, Victoria has been regarded as having the best performing and structured local government sector in Australia.

If MAV members voluntarily embrace the good governance of greater online disclosure, such as with lease registers, Victoria can remain ahead of the field.

ALGA NATIONAL GENERAL ASSEMBLY, 16 - 19 JUNE 2013: PROPOSED MOTION

SUBJECT: OPPORTUNITIES FOR REGIONAL COLLABORATION BY LOCAL GOVERNMENT

PROPOSED MOTION:

That this National General Assembly calls on the Commonwealth Minister for Regional Australia, Regional Development and Local Government to undertake research and report findings on best practice models in regional collaboration by local government in Australia.

BACKGROUND/RATIONALE

The financial and community benefits of partnership between councils in driving regional programs, service delivery or dealing with issues of cross boundary nature are potentially significant and worthy of broader investigation at a national level.

In Victoria, the model put in place to deliver the Inner Melbourne Action Plan (IMAP) is an example of a formal and effective structure for co-ordination. IMAP was created by the Cities of Melbourne, Port Phillip, Stonnington and Yarra and is implemented via a common statutory committee of the four Councils.

These inner Melbourne Councils work together to strengthen the liveability, attraction and prosperity of the region by bringing key government stakeholders together to develop and deliver regionally based actions.

IMAP sets out 11 regional strategies and 57 actions to address the objective of making the Inner Melbourne Region more liveable. Many of these actions require the cooperation of the State Government, government agencies or private providers of public services such as public transport companies. Other actions recommend changes to planning schemes, requiring statutory approval processes.

Other examples of regional collaboration exist elsewhere.

A review at a Commonwealth level may assist in guiding State governments in advancing policy and legislative changes to provide for greater opportunities for collaboration and strategic partnerships.