



Appendix 5b

16.4 Municipal Association of Victoria 2021–22 Rules Review

*Borough of Queenscliffe Submission
to the MAV Rules Review*

Ordinary Meeting of Council

Wednesday 23 February 2022 at 7:00pm

Via Videoconference (Zoom)

1. Principles that might guide revised Rules

Question 1

Do you think these principles are the right ones to guide Rule changes?

Response

Yes, broadly, but the Borough of Queenscliffe (Borough) would like to see 'Modern and contemporary' replaced with:

'Effective and adaptive: foresees and responds to change and opportunity, capable of being agile'.

Question 2

Is the focus of this Discussion Paper on new Rules which enable the MAV to be more effective the right focus?

Response

Yes, assuming the emphasis is on the need to be relevant and respected by higher levels of Government.

The Borough would also like to see the development of a framework that enables debate and develops shared advocacy positions on national issues.

2. Rules affecting the office of the MAV President

Question 3

Do the current MAV Rules sufficiently support the office of the President?

Response

No, the current rules do not include a section on the role and function of the President.

The Borough supports the discussion paper observation that the 'new MAV rules should set out the role and function of the MAV President'.

Question 4

Is it important those who nominate for the office of MAV President are, at the time of the election, their Council's nominated MAV Representative?

Response

Yes.

Question 5

Would changing the qualification required to contest an election for the office of MAV President, by simply requiring a candidate be an elected Councillor at a participating member council, provide an overall benefit to the MAV?

Response

As above, the Borough would advocate that a candidate for the office of President is a nominated representative.

Question 6

Would a four year Presidential term better enable the President to make a more significant impact on the organisation and the sector?

Response

The Borough would prefer to see a 2 year term with the opportunity for an additional 2 x 2 year terms - a maximum of six and minimum of 2. This would allow change if needed, continuity if the sector continues to be well represented by the President, and a good foundation for considering secession following Local Government elections.

Question 7

Would a cap on sequential terms in office for the MAV President provide opportunities for new ideas and a renewal focus?

Response

If you have a good Board and a skilled President this should occur as part of the good strategic planning practices. However, the Borough would argue that there is merit in having a cap and would nominate a six year cap for the reasons set out in the response to question 6 above.

Question 8

Should future Rules provide that a casual vacancy is declared in the office of the President if the council on which the President is a sitting Councillor becomes a non-participating member of the MAV?

Response

Yes.

3. Rules affecting the MAV Board

Question 9

Would electing Board members “at large” and equally from the rural and metropolitan areas enable the MAV Board to place less emphasis on a representative role and provide more focus on addressing the MAV’s strategic priorities in a conventional board fashion?

Response

The Borough supports the current Board structure and the representative roles.

Question 10

Would “at large” Board elections be better served by a proportional representation model to ensure the kind of diversity that often accompanies high performing boards?

Response

As above

Question 11

Would a four year term for Board members, aligned with local government general elections, enhance the Board’s ability to govern successfully?

Response

The Borough would support 2 year terms with the opportunity to be reappointed with a maximum term of six years.

Question 12

Should Board members have a limited tenure?

Response

As above

Question 13

Could fewer Board members be elected to govern the MAV as distinct from representing regional interests at the MAV?

Response

The Borough supports to retention of 12 board members because it facilitates regional representation. The Board could then be provided the ability to determine the best framework for governing the MAV.

Question 14

Should the Board be empowered to add a small number of skill based members to the Board to enhance its commercial capability or to address any obvious skill gaps?

Response

The Borough would argue that the Board should be provided the ability to establish formal advisory committees for specific issue, with ToR, the Board could appoint skills based members to these committees. The Borough thinks that it is important the Board itself is made up of elected representatives and the MAV CEO.

Question 15

Should new Rules abolish the concept of an Interim Board and replace the current “caretaker” provisions with simpler checks and balances to ensure Board decisions, in the period between local government general elections and the declaration of electoral polls for the office of President and the Board, are supported by more than a simple majority of the Board?

Response

The Borough supports caretaker provisions with simpler checks and balances.

Question 16

Should the Rules allow a Board member who has been dis-endorsed by his or her Council to complete their term on the Board?

Response

No, the Borough’s position is that the term on board ends at the point that a Council dis-endorses a representative.

Question 17

Should the Rules require the Board to periodically evaluate its own performance?

Response

Yes, but the assessment should be facilitated by a non-board member (possibly an independent external party) and the assessment should be presented at the State Council.

4. Rules affecting the State Council

Question 18

Should new Rules require the MAV Board plays a stronger role in policy development and establish better standards for the matters which members wish to bring before State Council?

Response

Yes.

Question 19

Could State Council be modified to strategically introduce review processes, informed by expert and stakeholder advice and analysis that better ensure the quality of strategy development?

Response

The Borough supports the note in the discussion paper - *The Rules might provide that Councils could submit policy proposals to the MAV Board at any time during the year and would be encouraged to do so. The Board would determine the “pathway” for such policy proposals.*

Question 20

Is plural voting at State Council in the long term best interests of the MAV?

Response

The Borough would argue for a model that provided for: One vote – One Council

Question 21

Should MAV Rules require State Council members to declare and manage their conflicts of interest?

Response

Yes

Question 22

Should new Rules require participating member councils, and not the Council’s representative, to submit matters for the consideration of the MAV, through State Council or other appropriate “pathways”, and should such matters being submitted be confirmed by a resolution of the Council concerned?

Response

Yes

Question 23

Should member councils wishing to discontinue their financial membership be required to provide reasonable notice of their intention?

Response

Yes. 12 month minimum

Question 24

Should the new MAV Rules retain provisions for excluding a non-participating council from using any MAV services?

Response

Yes