COMMUNICATION AND CONSULTATION **GUIDELINES**

ON STATE–LOCAL GOVERNMENT ENGAGEMENT







































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1. INTRODUCTION

The guidelines provide high-level principles to guide consultation between state and local

government under the Victorian State–Local Government Agreement (VSLGA) and the national

Inter-Governmental Agreement Establishing Principles Guiding Inter-Governmental Relations on

Local Government Matters (IGA).

Effective communication between Victorian Government departments and local government is

critical to the success of collaborative government. The different functions of departments lead to

different approaches to working with local government across portfolio areas. Recognising these

differences, and the existing working relationships between state and local government, these

guidelines do not prescribe any particular approach to consultation. Nevertheless, the VSLGA

and IGA create a more formal environment for state–local government relations, which these

guidelines are intended to support.

2. VICTORIAN STATE–LOCAL GOVERNMENT

AGREEMENT

The VSLGA is both a stand-alone agreement, and an agreement that gives effect to IGA. The

objective of the VSLGA is to progress social, economic and environmental outcomes for Victoria’s

communities. It aims to strengthen state–local government relations, improve coordination of

government services, strengthen the capacity of local government, improve consultation and

promote greater transparency and accountability between the two spheres of government.

The VSLGA does not limit the Victorian Government acting on its own accord in relation to local

government. The state government is not obliged to see local government as the only provider for

services on behalf of, or jointly with, the state government. The state government retains the right

to amend or introduce legislation that affects local government. However, subject to exceptional

circumstances, it should consult with the MAV and/or relevant local government bodies and

ensure impacts (including financial impacts) are taken into account.

The VSLGA is available on the Local Government Victoria website:

www.localgovernment.vic.gov.au

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3. NATIONAL AGREEMENT

The national *Inter-Governmental Agreement Establishing Principles Guiding Inter-Governmental*

*Relations on Local Government Matters* (IGA) was signed by the federal Minister for Local

Government, state and territory ministers for local government and the President of the Australian

Local Government Association on behalf of all state and territory local government associations in

April 2006.

The IGA establishes a framework under which future agreements can be struck between the

three spheres of government. It lays the foundations and spirit in which state, territory and federal

governments will work with local government, promoting respect, encouraging dialogue and

transparency.

The purpose of the IGA is to:

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encourage the conduct of positive and productive relations between the Commonwealth,

state and local governments in a spirit of respect and with an emphasis on partnership and

cooperation; and

provide an overarching framework from which further agreements covering specific services

and functions should be developed.

The IGA is available on the Local Government Victoria website:

www.localgovernment.vic.gov.au

4. GENERAL PRINCIPLES FOR CONSULTATION

AND COMMUNICATION

Consultation and communication are complementary processes that apply at different stages

of interaction between two or more parties. Consultation is implied in all three categories

of engagement in Section 5. There are, however, instances where direct communication is

appropriate. These are outlined in Table 1.

The general principle of early engagement should apply to any consultation with local government.

Particular attention should be paid to government decisions that may affect a program area where

state departments see a role for local government, whether regulatory or non-regulatory.

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Table 1: When to communicate and consult with local government

COMMUNICATION

CONSULTATION

Table 2: When to communicate and consult with state government

COMMUNICATION

CONSULTATION

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|  |  |
| --- | --- |
| State government’s forward  legislative program | When developing or reviewing state government  policy or legislation that may affect local  government |
| State Budget | When implementing services or programs that  may affect local government |
| Decisions made following formal  consultation with local government | When negotiating state–local government  partnership agreements |
| Final draft of Bills of Parliament where  local government has participated in the  consultation process | When developing or reviewing Commonwealth  or intergovernmental policy that is relevant to  local government |
| Urgent decision making where time  frames limit consultation | When making submissions to the  Commonwealth Government on matters  affecting local government |
|  | When participating in intergovernmental councils  or committees (including ministerial councils) that  have significance for local government |
| Where there are matters affecting the budget  process of local government, such as the ability  of local government to raise revenue |

|  |  |
| --- | --- |
| Issues relating to the VSLGA and IGA | When developing or reviewing local government  policy that may affect state government |
| Local government’s by-law development  program | When proposing new legislation or amendments  to current legislation for state government  consideration |
| Follow-up commitments given to state  government | When making significant policy decisions such  as introducing new, or amending existing, local  laws and changes to planning schemes |
| Other matters of interest affecting state  government but not requiring formal  feedback | When listing agenda items for meetings or  considering motions that will affect state  government |
| Urgent decision making where time  frames limit consultation | Issues relating to the relationship with or the  decisions of the Commonwealth Government  that may affect state government |

5. CATEGORIES FOR ENGAGEMENT

The VSLGA recognises the three areas of state–local government engagement outlined in the

IGA, two of which are non-regulatory. They are:

*1.*

*Non-regulatory services and functions: local government delivery of a service/function on*

*behalf of state government*

Where the Commonwealth or a state or a territory seeks through non-regulatory means,

the provision by local government of a service or function they shall:

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respect the right of local governing bodies to decide whether they will accept the

responsibility for the delivery of a service or function on behalf of another sphere of

government;

negotiate on service delivery standards, financial arrangements and implementation with

the relevant local governing bodies, or the relevant peak local government representative

body;

be responsible for developing their own programs, where appropriate, including

responsibility for program design, determination of policy objectives, service delivery

standards and funding; and

where possible reach agreement with the relevant local governing bodies or peak local

government representative body on the terms and conditions.

*2.*

*Non-regulatory services and functions: joint services and functions*

Where the Commonwealth or a state or a territory and local government propose that a

service or function should be jointly provided, they shall:

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agree to the objectives, design, standards, and shared funding arrangements prior to the

implementation of the service or function; and

where applicable, negotiate with the relevant local governing bodies, including the

relevant peak local government representative body.

*3.*

*Regulatory services and functions*

Where the Commonwealth or a state or territory intends to impose a legislative or regulatory

requirement specifically on local government for the provision of a service or function, subject

to exceptional circumstances, it shall consult with the relevant peak local government

representative body and ensure the financial implications and other impacts for local

government are taken into account.

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6. APPLICATION OF COMMUNICATION AND

CONSULTATION PRINCIPLES TO CATEGORIES OF

ENGAGEMENT

*Non-regulatory services and functions: local government delivery of a service/function on*

*behalf of state government*

A department considering local government as a service provider should consult with local

government in the early stages of designing the delivery of services. This approach will give

departments insight about the terms on which local government may accept new responsibilities,

and allow time to identify options other than local government for delivering services or functions.

The Victorian Government is responsible for setting and developing its own programs, including

responsibility for program design, determination of policy objectives, service delivery standards

and funding. Departments should factor in sufficient time to negotiate service delivery standards,

financial arrangements and implementation.

*Non-regulatory services and functions: joint services and functions*

The negotiation of joint agreements for services and functions is similar to the approach above.

However, extra time may need to be factored in so that the objectives, design, standards and

shared funding arrangements can be agreed and/or negotiated with local government.

*Regulatory services and functions*

Departments should be especially mindful to include relevant local government peak bodies in

consultations about the introduction or amendment of legislation that affects local government.

As a general rule, with both regulatory and non-regulatory matters to be considered by the

Victorian Government, departments should consult with local government in accordance with

the enabling mechanisms of the VSLGA. At a minimum, the requirement to consult with local

government in accordance with Section 4.6 of the *Victorian Guide to Regulation* (‘Consultation

with local government’) should be observed.

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7. WAYS FOR STATE AND LOCAL GOVERNMENT TO

ENGAGE IN FORMAL CONSULTATION PROCESSES

*Victorian State–Local Government Group*

The VSLGA establishes the Victorian State–Local Government Group (the Group), comprising the

Minister for Local Government, President of the Municipal Association of Victoria and other parties

as agreed. The Group is a mechanism to raise issues associated with the implementation of the

VSLGA and the IGA, and other issues as members see fit. The Group’s meetings are intended as

a high-level overview of the VSLGA’s implementation.

Any department wishing to raise an issue relevant to the Group should contact Local Government

Victoria in the Department of Planning and Community Development in the first instance.

*Regional Management Forums*

Regional Management Forums (RMFs) provide an opportunity for local government to engage

with state departments at the regional level. This level of engagement may be advantageous when

services need to accommodate regional differences (e.g. population density, geography, resource

capacity). Issues may be raised by either state or local government representatives in accordance

with established protocols for each RMF.

*Other regional groupings of local government*

Local government groups, such as the Interface Councils, Regional Cities, Small Towns Victoria,

meet because they face similar issues, but their boundaries do not necessarily abut. These

groups meet with the Minister for Local Government and in some cases the Premier and other

ministers on a regular basis, and provide opportunity for issues under the VSLGA or IGA to be

discussed as part of a meeting’s agenda.

*Departmental/interdepartmental committees*

Departmental and interdepartmental committees do not include members external to government.

However, they may receive input from relevant stakeholders as required. Members of an

interdepartmental committee should be mindful of the need to include local government views,

where appropriate.

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*Reference group*

Reference groups typically involves representatives from one or more Victorian Government

departments and representatives external to government. Reference groups are useful

mechanisms to ensure permanent representation from local government for the duration of a

project. The Victorian Local Sustainability Advisory Committee is an example of a more formalised

reference body to oversee the actions and issues arising from the *Victorian Local Sustainability*

*Accord*. Information on the Accord is available on the Department of Sustainability and

Environment’s website: www.dse.vic.gov.au

*Ministerial and departmental correspondence*

Ministers, departmental secretaries and other senior officials may invite the views of local

governments on issues they see as relevant to the VSLGA. As appropriate, either the Minister for

Local Government, or the Executive Director of Local Government Victoria, should be copied into

any correspondence.

*Letters to ministers and departmental secretaries from the local government sector*

Mayors and local government peak body heads may write to ministers on issues of concern

under the VSLGA. The Minister for Local Government should be copied into any correspondence.

Council and local government peak body CEOs should raise any concerns with the Executive

Director of Local Government Victoria.

*Consultation and concept papers*

From time to time, the Victorian Government and its departments prepare policy papers for either

invited stakeholder comment or a public consultation process.

While public consultation processes provide an opportunity for local government to submit their

views without being invited to do so, departments should be mindful to inform local government

peak bodies of any public consultations at the time the consultation paper is released.

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Table 3: Summary of formal consultative mechanisms for state and local government

CONSULTATIVE MECHANISM

PURPOSE

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|  |  |
| --- | --- |
| Joint state–local government | |
| Victorian State–Local Government Group | To discuss the implementation of the VSLGA  and IGA |
| Regional Management Forums | State–local government consultation and  cooperation at regional level |
| State government | |
| Ministerial/departmental correspondence | To invite local government views, or inform local  government of the outcome of consultations or  government decisions |
| Departmental/interdepartmental  committees | Primarily for cross-governmental consultation,  which may invite the views of local government |
| Reference groups | Mechanism to include local governments as  a member of an intergovernmental reference  group |
| Local government | |
| Regional groups | May seek to discuss particular issues with  relevant ministers |
| Local government correspondence and  submissions to state government | May provide input into Victorian Government  consultation process, or raise issues of concern |

8. EVALUATION

Progress towards implementing the IGA will be monitored by the Local Government and Planning

Ministers’ Council. Departments will be asked to provide information to Local Government Victoria

on an annual basis about the agreements and consultations that have taken place with local

government over a 12-month period. A reporting template will be designed for this purpose once

local government officials around Australia have agreed on reporting arrangements.

9. CONTACT INFORMATION

For further information on these guidelines, the VSLGA and IGA, contact Local Government

Victoria, Department of Planning and Community Development on 03 9208 3430.

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