



Youth Affairs  
Council Victoria

# Young people and local government

A response to the discussion paper

‘Act for the Future: Directions for a new Local  
Government Act’.

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## About YACVic

The Youth Affairs Council of Victoria Inc. (YACVic) is the peak body and leading policy advocate on young people's issues in Victoria. Our vision is for a Victorian community that values and provides opportunity, participation, justice and equity for all young people. We are an independent, not-for-profit organisation.

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## Contents

Local governments and young people	4
Local government's role in youth service delivery and community planning	5
Council role, functions and powers	8
Modernising the council franchise	10
Community engagement on strategic and financial plans	13
Recommendations	16

## Local governments and young people

Youth Affairs Council Victoria (YACVic) is the state peak body for young people aged 12-25 and the services that support them. We have 238 members – approximately half of them young people, the others comprising local governments, community and health services and research bodies. Our vision is that young Victorians have their rights upheld and are valued as active participants in their communities.

YACVic welcomes the opportunity to reflect on how the Local Government Act 1989 might be strengthened to become more relevant to Victorian communities.

The timing is opportune, given the recent release of the Victorian Government's 2016 Youth Policy. This document recognises local governments as key stakeholders in youth engagement and service provision, and remarks:

*'The way in which communities interact with government is changing. Communities are demanding greater transparency and want a role in the design of services, policies and programs that affect their lives. More effective services, policies and programs are created when communities are involved.'*<sup>1</sup>

This objective aligns well with the aims of the Victorian Government's discussion paper on the future of the Local Government Act, *Act for the Future*.

Victoria has adopted a Youth Engagement Charter across the state government, which amongst other things commits to:

- 'Respect the rights of all young people to participate in decisions that affect their lives.'
- 'Recognise that young people must be at the centre of decision making about issues that are important to them.'
- 'Value young people as genuine partners in decision-making processes.'<sup>2</sup>

In line with these commitments, we suggest it is appropriate for any review of the Local Government Act to pay attention to the role of local governments in making their communities empowering, safe and engaging places for young people to grow up in.

Our submission responds to three sections of the discussion paper *Act for the Future*:

- ‘Council role, functions and powers’
- ‘Modernising the council franchise’
- ‘Community engagement on strategic and financial plans’.

### **Local government’s role in youth service delivery and community planning**

Local government is the backbone of generalist youth service delivery in Victoria. Local government youth services work with large numbers of young people to prevent problems or address them early, and to build young people’s wellbeing, opportunities and connections. Local government youth services promote young people’s health, social inclusion, skill development and leadership, and provide young people with opportunities to engage in arts and culture, community strengthening and civic life. They assist young people (especially those without supportive adults in their lives) to navigate challenges, develop pro-social coping skills, and access specialist services where needed.

Few other stakeholders have the capacity to connect young people with a wide range of supports, connections and skill-building opportunities in an age-appropriate setting which is welcoming, non-clinical and accessible.

- One example of this work is the support many local governments provide for young people who are same sex attracted and sex/gender diverse. In recognition of the high vulnerability of these young people to bullying, isolation and poor mental health, many local governments support initiatives to strengthen the wellbeing of these young Victorians. Over a third of social and support groups for same sex attracted and sex/gender diverse young Victorians are hosted by local governments, and 27% of the Victorian Government’s HEY grants to support the mental health of these young people have gone to local government recipients. (Many other local governments play a planning, support and advocacy role for same sex attracted and sex/gender diverse young people, even if they do not host services directly.)<sup>3</sup>

The extensive and diverse work of local government youth services can include (but is not limited to):

- Leading community planning and advocacy for young people. Local government youth services play a vital partnership-building role, bringing together the different stakeholders that work with young people to coordinate service delivery, advocate for young people's needs, and leverage resources to meet local priorities. Many services and schools would struggle to work effectively together and access adequate resourcing without local government's support.
- Engaging and consulting with young people, and building young people's capacity as advocates and community leaders. Local government youth services are recognised as experts in youth engagement – an essential resource for councils wishing to hear young people's ideas and solutions to local problems.
- Funding, planning and delivering services, programs and events for young people. These are very diverse, ranging from holiday activities to mentoring programs, anti-discrimination campaigns, volunteering opportunities, L2P programs for novice drivers, and social supports for young people at risk of disengagement or marginalisation.
- Enabling local governments to prepare for and comply with their statutory obligations in relation to children up to the age of 18.

As of January 2016, all local governments have been required to meet 'child safe' standards of service delivery for children under the age of 18. Child safe standards will apply to *all* staff and volunteers at organisations which deliver services for children. Here, local governments will be reliant on the expertise of their youth services to prepare the whole of council for these new requirements.

The seven standards of a child safe organisation encompass cultures of child safety, commitments and codes of conduct, appropriate screening, supervision, training and HR practices, processes for reporting and responding to suspected child abuse, strategies to identify and remove risks of abuse, and strategies to promote children's participation and empowerment. Organisations must demonstrate particular

measures to protect the safety of Aboriginal children, children with disabilities, and children from diverse cultural backgrounds.

Along with the recent ‘Failure to Disclose’ and ‘Failure to Protect’ laws, child safe standards have significant ramifications for councils at the levels of HR and management. It is our understanding that in many local governments it is the youth services teams who are taking a lead in strengthening council’s policies and practices to ensure full understanding and compliance.<sup>4</sup>

Another function of local government youth services which is especially significant at present is their role in leading and supporting youth engagement. In the 2016 Youth Policy, the Victorian Government undertakes to increase young people’s participation in policy development and program/service design, through mechanisms including a state-wide Youth Summit, a youth advisory group to the Victorian Government, and social policy design labs. The Summit will engage young people from local government youth advisory groups (amongst others), and it seems likely that local government youth services will be invited to support young people’s participation in the other engagement mechanisms too.<sup>5</sup>

In light of all this, YACVic has advocated for the Victorian Government, in partnership with local governments, to invest resources to create more generalist youth support services across Victoria.

Here, one positive recent step was the 2016 announcement of the Empower Youth grants. These grants will make funding available to local governments and not-for-profits to engage youth workers to support disadvantaged young people to strengthen their health and wellbeing, community participation, education and training outcomes, and employment pathways. YACVic also welcomes the Victorian Government’s continued support for the Engage! grant round, which supports young people’s involvement in all aspects of community life, including decision-making, volunteering and mentoring programs, skill-building and connections to further education, training or careers. Local governments are amongst the most common recipients of this funding.

However, the Empower Youth and Engage! grants rounds, while very welcome, are not state-wide, and they must address many diverse needs. Their long-term status is also unclear. We continue to advocate for a more systemic recognition and support for the youth engagement, youth services and community planning role of local governments.

### **Council role, functions and powers**

At present, the Local Government Act 1989 (section 3D) lists the roles of councils, which include:

- *‘acting as a representative government by taking into account the diverse needs of the local community in decision making’, and –*
- *‘fostering community cohesion and encouraging active participation in civic life’.*

Meanwhile, section 3E of the current Act states that the functions of a council include:

- *‘planning for and providing services and facilities for the local community’, and –*
- *‘providing and maintaining community infrastructure in the municipal district’.*

We believe these roles and functions are important, and would not support removing them from the Act.

However, as the *Act for the Future* discussion paper observes, the current Act does not really clarify what councils ‘must do’ and what they are ‘allowed to do’. *Act for the Future* notes ‘This confusion can lead to a restricted understanding of what councils are for’.

We have observed this problem in relation to youth service provision. Local governments are among the most significant providers of generalist youth services in Victoria, but many youth sector stakeholders are concerned that local governments are not formally mandated to do this work. This has led to debate in the youth services sector as to whether or not the Local Government Act should specify delivery of youth services as a core requirement of local government.



This discussion is especially relevant given the tight fiscal environment fostered by rate-capping, which has led to fears in some communities that services which have relatively little legal or regulatory backing (such as youth services) are under threat. This is a particular concern in rural LGAs, given their smaller rate base and the costs of rural service delivery, where services must work with scattered populations across large areas with relatively few other organisations to help them.

The Local Government Act 1989 contains few specifications or requirements about any of the services, facilities and infrastructure that Councils provide, beyond some details concerning roads, libraries, sewers and drains. Where the other benefits provided by local governments are formally recognised, this has very often not happened through the Local Government Act, but rather through other regulatory, statutory or legal requirements. For example, certain services provided at a local government level are backed by MOUs with the Victorian Government (in the case of Maternal and Child Health), or by detailed recognition and support from MAV and the Department of Education and Training concerning local and state governments' roles in the planning, funding and delivery of services (in the case of Early Childhood Education and Care).

We support strengthening recognition of local governments' role in youth service provision, but we suspect this would be more viable and effective through other regulatory and legal mechanisms besides (or as well as) the Local Government Act. (For details, see 'Recommendations'.)

*Act for the Future* proposes 'Clearly setting out in the new Act the role of councils [in order to] help the community understand and support that role [and] ... help the sector advocate for the important work that councils do'. To this end, *Act for the Future* puts forward some new wording:

*'Provide that the role of a council is to:*

- *plan for and ensure the delivery of services, infrastructure and amenity for its municipality, informed by deliberative community engagement*
- *collaborate with other councils, tiers of government and organisations*
- *act as an advocate for its local community*
- *perform functions required under the Act and any other legislation'.*

YACVic does not oppose this new wording, but we are concerned it may not deliver significantly greater clarity about the roles of local government than the current Act. We submit that community uncertainty about the roles and responsibilities of local government often boils down to specific ‘grass-roots’ issues, activities and services. The broad statement suggested in *Act for the Future* may not be enough to remedy this confusion.

We feel it would be valuable to include some notes or a preamble to this section of the Act listing examples of the services for which local government has traditionally been a major provider. These would include generalist youth services. Of course, such a section should also recognise that in some communities these functions will be performed by other providers instead of, or as well as, local government, and that local governments may also perform other, additional functions for the amenity of their communities.

Meanwhile, we welcome the suggestion of recognising that local governments’ work should be informed by ‘deliberative community engagement’. Here, we would also like to see additional wording specifying that when councils are planning and delivering services, infrastructure and amenity which affect the whole community (or various different sections of the community), council should engage with a diverse cross-section of the community on this matter, including residents facing disadvantage and marginalisation, and residents who are not of compulsory voting age. There should also be provision for targeted consultations with specific sections of the community, where this is the most relevant approach to the issue under consideration.

### **Modernising the council franchise**

*Act for the Future* observes that the current franchise for local government is ‘poorly understood by voters and has contributed to inaccuracies in council rolls.’

At present, residents in a local government area are automatically enrolled in local government elections if they are on the state electoral roll for an address within that LGA. Voting is compulsory for adult residents aged under 70.

However, it is also possible (although not compulsory) for people who do not live in the LGA to vote there if they own various types of property in that municipality. Here, the rules are quite complex and not always well understood by the community. *Act for the Future* also notes that eligible owners of property who live in an LGA but are not on the state electoral roll must apply to be enrolled in the local government franchise there.

*Act for the Future* proposes two possible directions for reform:

- Make the entitlement to vote in a council election to be on the register of electors for the Victorian Legislative Assembly (the state roll) for an address in that municipality. Institute compulsory voting for all enrolled voters. To protect against Victorians losing their current voting rights, the discussion paper suggests grandfathering the voting entitlement of existing property-franchise voters in that municipality. OR –
- Maintain the existing franchise but cease automatic enrolment of property owners and require these voters to apply to enrol for future council elections if they choose to do so. Institute compulsory voting for all enrolled voters.

Young people are significantly less likely than older generations to be property owners. In 2013-14, the Australian Bureau of Statistics found that 34% of Australian households with a ‘reference person’ aged under 35 owned the homes they lived in, in contrast to 68% of households with a reference person aged 35-54 and 83% of households with a reference person aged 55 or older. Rates of home ownership are also diminishing for young Australians – they have fallen from 48% in 1994-95 – so the issue is likely to be more pronounced in the future.<sup>6</sup>

YACVic would not be inclined to support a voting system which enfranchises property owners who do not live in that local government area, as such a system would seem likely to further cement the political influence of older and wealthier property owners over younger tenants. In the interests of a more equitable electoral system, we would support aligning the local government franchise with registrations on the Victorian state roll, and removing property ownership from the equation.

However, additional action is also needed to ensure a truly representative franchise. At present, young people are already less likely to participate in local government elections because they are less likely to be enrolled to vote in the first place. Making local government more relevant and representative should include actions to help remedy this problem. *Act for the Future* states that a key purpose of reforming local government is to ‘reinforce participatory democracy as a guiding tenet of council practice’. The paper adds ‘As the level of government closest to the people, councils have both the opportunity and arguably the responsibility to enable participatory democracy.’ (p.60)

Here, we would like to see further collaboration between local and state governments to promote young people’s civic engagement as voters. This would be in keeping with the Victorian Government’s *Youth Engagement Charter*, the guiding principles of which include ‘Empowerment’ – ‘*Young people must be supported and encouraged to act on their own authority and represent their own interests. Young people have the capacity and ability to drive change and shape their own destinies.*’<sup>7</sup>

Enrolment and participation as a voter is compulsory for every Australian citizen aged 18 years and older, and young people can place themselves on the electoral roll from the age of 16. However, while 94% of all Victorians were enrolled to vote in 2014, only 79% of young Victorians aged 18-25 were enrolled.<sup>8</sup> In 2013, Dr Aaron Martin (University of Melbourne) quoted from the Australian Election Survey and the International Social Survey Program, which found that only 78% of Australians aged 18-29 agreed they would still vote if it were not compulsory, and that young Australians were half as likely as older people to agree it was very important to always vote in elections.<sup>9</sup>

There are ways to counter this disengagement and strengthen young people’s democratic participation, and we would argue that local government has an important part to play. The 2004 Youth Electoral Survey of 4,900 Australian secondary school students found that young people were more likely to report an intention to vote in federal elections if they had taken part in political and civic activities, such as doing voluntary work, participating in civic organisations, liaising with politicians and the media, signing petitions and attending public demonstrations. The civic engagement opportunities offered by many local government youth services would seem to resonate

with this. Meanwhile, Martin's work found that young people were more likely than older cohorts to support the idea of having a longer period of time in which to cast their votes, and being able to vote through electronic or online mechanisms.<sup>10</sup> This is something to consider in light of the issue of future electronic voting, as discussed in *Act for the Future*.

It should also be noted that many of the political and electoral issues most important to young people relate to the work of local government. In 2016, Youth Action NSW surveyed 3,369 young Australians and found that the political issues they cited as most important to them included (in order of importance) education, health, social justice, and employment.<sup>11</sup> Local governments undertake planning, partnership work and service delivery in relation to all these topics – but not all young people are aware of the significance of local government here.

The Victorian Government will be working with the Victorian Electoral Commission and local governments to achieve greater consistency in voting methods and prepare for technological advances in voting systems (see section 3.9 of *Act for the Future*). As part of this, we recommend these stakeholders engage actively with young people about the most effective approaches for engaging young voters.

Active interventions to strengthen youth engagement would help to ensure that local governments are genuinely representative of their whole communities, and would promote the sustainability of the local government sector at a time when Victoria's population is ageing.

### **Community engagement on strategic and financial plans**

As *Act for the Future* (p.60) states, a key principle of local government reform must be to 'Enhance democracy, diversity of representation, council transparency and responsiveness to the community and the state'.

While many local governments engage actively and effectively with their communities, actual requirements for community engagement under the current Act are quite minor and relatively passive – for example allowing members of the public to make

submissions concerning council budgets. *Act for the Future* (p.61) states ‘Councils are not required by the Act to involve, collaborate with or empower their communities in shaping council directions.’

We are broadly supportive of the proposals put forward in *Act for the Future* to:

- *Include deliberative community engagement as a principle in the Act and include in the role of a councillor the requirement to participate in deliberative community engagement, leaving the method to be determined by each council.*
- *Require a council to prepare a community consultation and engagement policy early in its term to inform the four-year council plan and ten-year community plan.*
- *Require a council to conduct a deliberative community engagement process to prepare its council plan and to demonstrate how the plan reflects the outcomes of the community engagement process.*
- *Include in regulations that an engagement strategy must ensure:*
  - *the community informs the engagement process*
  - *the community is given adequate information to participate*
  - *the scope/remit of the consultation and areas subject to influence are clear*
  - *those engaged are representative of the council's demographic profile.*

Ideally, we would like the final requirement to contain some additional wording after ‘the council’s demographic profile’, along the lines of ‘including the diversity of age groups, cultural backgrounds, income levels, gender, sexuality and disability in the local community’.

We would also note that it is our experience that most community engagement with young people conducted through local governments is not led by councillors but by youth service professionals employed by the council. These professionals have expertise in youth work and related areas, and they have built considerable networks and relationships with local young people. While we would welcome closer and more direct communication between councillors and young people, we contend this engagement will generally produce the strongest results when it is supported by local government youth services.

We would support more resourcing of initiatives that bring together councillors and youth work professionals to involve young people as active participants and decision-makers in local government settings and provide facilitated opportunities for relationship-building, mentoring and regular communication between elected councillors and young people.

We would be happy to discuss any of these issues further with you. Please contact Dr Jessie Mitchell on [policy@yacvic.org.au](mailto:policy@yacvic.org.au) or 9267 3722.

## Recommendations

### Council role, functions and powers

1. Ensure that any amendments to the Local Government Act 1989 do not remove the current wording of Part 1A, 3D-3E, which recognises that the roles and functions of a council include:
  - *‘acting as a representative government by taking into account the diverse needs of the local community in decision making’,*
  - *‘fostering community cohesion and encouraging active participation in civic life’,*
  - *‘planning for and providing services and facilities for the local community’,* and –
  - *‘providing and maintaining community infrastructure in the municipal district’.*
  
2. As suggested in the discussion paper *Act for the Future*, insert wording into the Act recognising that the role of council includes planning for and ensuring the delivery of services, infrastructure and amenity for its municipality, *‘informed by deliberative community engagement’.*
  
3. Include additional wording specifying that when councils are planning and delivering services, infrastructure and amenity which affect the whole community (or various different sections of the community), this work should be informed by council engagement with representatives from a diverse cross-section of the community. This should include residents facing disadvantage and marginalisation, and residents who are not of compulsory voting age. There should also be provision for targeted consultations with specific sections of the community, where this is the most relevant approach to the issue under consideration.
  
4. Include notes or a preamble to the section on the role of local government listing examples of the services for which local government has traditionally been a major provider. These should include generalist youth services. This section should also recognise that in some communities these functions will be performed by other providers instead of, or as well as, local government, and that



local governments may also perform other, additional functions for the amenity of their communities.

5. As part of reforms to the local government sector, take steps to strengthen the formal recognition of youth service delivery as a core responsibility of local government. Examine the merits of supporting such a process through appropriately resourced partnerships between the Victorian Government and the Municipal Association of Victoria (MAV), to define the roles and responsibilities of state and local government in the planning, funding and delivery of youth services, and to support councils to build their capacity in youth service delivery. Such collaborative work would fit within the overarching framework of the 2013-17 DEECD/MAV Partnership Agreement. At the same time, it is important that LGA youth services retain their ability to work flexibly, in response to diverse local needs and circumstances.
6. Support further research into local government youth service delivery in line with the work done by the Department of Education and Training and Municipal Association of Victoria in 2011 (*Victorian Local Government Support for Children, Young People and Their Families*). Without such strong, state-wide data, it is hard to assess the extent, variety and value of youth service delivery by local governments, or to track how this service delivery and its impact are changing over time.
7. Partner with local governments to invest resources to create more generalist youth support services across Victoria.

### **Modernising the council franchise**

8. Align the local government franchise with registrations on the Victorian state roll, and remove property ownership as a qualification for voting in local government elections.
9. Work with the Victorian Electoral Commission and local governments to engage with young people about the most effective approaches for involving young

voters in the local government franchise, including through new and emerging technologies.

10. Resource new initiatives to involve more young people as active participants and decision-makers in local government settings. In particular, there should be a focus on young people who have not been involved in activities at a local government level before, young people are experiencing disadvantage, and/or young people are not yet enrolled to vote. These new initiatives could include opportunities for relationship-building, mentoring and communication between elected councillors and young people, supported by local government youth service professionals.

### **Community engagement on strategic and financial plans**

11. We are broadly supportive of the proposals put forward in *Act for the Future* to:
  - *Include deliberative community engagement as a principle in the Act and include in the role of a councillor the requirement to participate in deliberative community engagement, leaving the method to be determined by each council.*
  - *Require a council to prepare a community consultation and engagement policy early in its term to inform the four-year council plan and ten-year community plan.*
  - *Require a council to conduct a deliberative community engagement process to prepare its council plan and to demonstrate how the plan reflects the outcomes of the community engagement process.*
  - *Include in regulations that an engagement strategy must ensure:*
    - *the community informs the engagement process*
    - *the community is given adequate information to participate*
    - *the scope/remit of the consultation and areas subject to influence are clear*
    - *those engaged are representative of the council's demographic profile.*

We suggest that the final requirement ('an engagement strategy must ensure those engaged are representative of the council's demographic profile') should be strengthened by additional wording along the lines of 'including the diversity of age groups, cultural backgrounds, income levels, gender, sexuality and disability in the local community'.

In addition, we suggest including wording that recognises the role of appropriately qualified, community-based professionals in supporting meaningful engagement between councillors and some members of the community who have not traditionally been strongly engaged in local government decision-making, including young people.

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<sup>1</sup> Victorian Government, *Youth Policy: Building Stronger Youth Engagement in Victoria*, Melbourne, 2016, pp.6, 37

<sup>2</sup> Victorian Government, *Youth Policy*, p.8

<sup>3</sup> See Rainbow Network, 'Find a Youth Group,' accessed August 2016, <http://rainbownetwork.com.au/index.php/find-a-group>; YACVic, 'HEY Grants', 2016, <http://www.yacvic.org.au/sector-info/funding-opportunities/hey-grants>

<sup>4</sup> Victorian Government, 'An overview of the Victorian child safe standards,' Melbourne, November 2015

<sup>5</sup> Victorian Government, *Youth Policy*, p.11

<sup>6</sup> Australian Bureau of Statistics (ABS), 4130.0 - *Housing Occupancy and Costs*, 2013-14, <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4130.0Main+Features100052013-14?OpenDocument>

<sup>7</sup> Victorian Government, *Youth Policy*, p.8

<sup>8</sup> ABS, 1370.0 - *Measures of Australia's Progress*, 2010 <http://www.abs.gov.au/AUSSTATS/abs@.nsf/bb8db737e2af84b8ca2571780015701e/a4202e27f5ae1f9dca25779e001c488a!OpenDocument>; Australian Electoral Commission (AEC), 'AEC and Rock Enrol at "Splendour in the Grass" this weekend', 26 July 2013, <http://www.aec.gov.au/media/media-releases/2013/07-26.htm>; AEC, 'Size of the electoral roll and estimated participation rate 2014', [http://www.aec.gov.au/Enrolling\\_to\\_vote/Enrolment\\_stats/national/2014.htm](http://www.aec.gov.au/Enrolling_to_vote/Enrolment_stats/national/2014.htm)

<sup>9</sup> Aaron Martin, 'Political participation among the young in Australia,' AEC, 2012, [http://www.aec.gov.au/About\\_AEC/research/caber/files/3a.pdf](http://www.aec.gov.au/About_AEC/research/caber/files/3a.pdf)

<sup>10</sup> ABS, 1370.0 - *Measures of Australia's Progress*, 2010; Martin, 'Political participation among the young in Australia'; ABS, 1370.0 - *Measures of Australia's Progress*, 2010

<sup>11</sup> Youth Action NSW and ARACY, *Agenda for Action: What Young Australians want from the 2016 Election*, Sydney, 2016