

Weddings, Funerals, Bar Mitzvahs, Anything...

Professor Bill Reimer, a visiting sociologist from Concordia University, Montréal, has been telling Australian academics about his research into rural communities in Canada.

His analysis suggests that rural regeneration is fostered by complementarity between the four constituent elements of 'social capital' - which he identifies as market, bureaucratic, associative and communal. It's an analysis which resonates here: we figure that rural Canadian communities are much the same as their Australian counterparts, only colder.

If someone wanted to study the workings of rural communities in Victoria, a great place to start would surely be the humble public hall.

At least it would have been a good starting point fifty years ago, when the local hall hosted events ranging from the Anzac Day service to the Saturday night barn dance. In more recent times, however, many halls are virtually unused: either communities aren't as communal as they once were, or maybe people just travel further from home for their social interaction.

Administration of the portfolio of public halls has not kept pace with this social change. Across rural Victoria, municipalities are grappling with anything up to 40 public halls, many with historical significance, many managed by active (but ageing) groups of volunteers. Although most occupy a Crown reserve and answer to DSE, it's still the municipality which is called on to provide the maintenance grants and pay the fire insurance premiums.

How would any other portfolio manager address this situation? They would analyse the contribution each asset was making to their corporate goals, devise a rationalisation strategy, sell off those assets which were under-performing, and re-invest the capital into those which could perform better. Simple. And they would try to gain efficiencies through cross-subsidisation and amalgamation of management resources.

But if Victoria's rural councils wanted to rationalise public halls, they would face serious impediments. As Professor Reimer might put it, they would find dysfunctional incompatibilities between associative and bureaucratic systems.

Most halls are on Crown land, and under current arrangements the proceeds of their sale would disappear into State Treasury. This would make sense if they were revenue-producing assets: their owner (the taxpayer) would be exchanging a revenue stream for a corresponding capital sum. But they're not revenue-producers.

If a Council wanted to facilitate best-value service delivery (maybe a municipality-wide maintenance contract, or a centralised booking system) it would come up against the halls' distorted responsibility regime. In a very real sense their Committees of Management are accountable to their local communities, represented by the council - but officially they are accountable to the State, represented by DSE. It's a regime fraught with confusion: some committee members imagine they are appointed by council; some councils refuse to maintain assets which they don't own. DSE is not

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Question: - A community needs only 25 of the 40 public halls within its municipal boundaries.

If 15 halls are sold for \$200,000 each, how much is available to refurbish the remainder?

Answer: - Nilch, because all the proceeds have disappeared into State Treasury.



well-placed, nor does it have any legal obligation, to set a Committee's objectives or to monitor its performance against them.

An alternative governance formula involves council becoming the Committee of Management, and then sub-delegating back to the community volunteers. The local groups would report to council; council would be responsible to the State through DSE. It sounds good, but doesn't resolve ownership, and raises issues about section 86.

Section 86 of the *Local Government Act* 1989 allows a council to delegate any of its functions (including the management of Crown reserves) to community groups. Some councils make extensive use of this provision; others see it as unacceptably risk-prone.

A variation on this theme would be for the community group to incorporate under the *Associations Incorporation Act* 1981, and to manage the hall under a contract (or management agreement) with Council.

What's needed is a reform of government policy across several agencies. Treasury and Finance would have to change its asset disposal policy; DSE would have to recognise the principal of subsidiarity, and the Department for Victorian Communities would have to rethink the ways in which councils engage with volunteers. Don't hold your breath. ■

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- You'll find Professor Reimer's paper at: <http://www.public-policy.unimelb.edu.au>
- Some halls are better described as *Mechanics' Institutes* – check out: <http://home.vicnet.net.au/~mivic/>
- Some halls have important historic values. Check out the Victorian Heritage Register at www.heritage.vic.gov.au



The Mint Inc is a specialist Committee of Management responsible for a number of historically important Crown Reserves in Melbourne

Secrets Revealed

Back in April 2004 we ran an article critical of DSE's dogged refusal to release details of Committees of Management of Crown Reserves.

It seems someone in there couldn't find a path between the Department's obligations under the *Freedom of Information Act* 1982 and its obligations under the *Privacy Act* 1988. The former requires contact details of public sector agencies to be published; the latter forbids the release of personal information. The contact for a Committee of Management is invariably a private person, so DSE was thrown into a quandary, and hid behind the assertion that resources could not be spared to organise a printout from its own computerised database.

We are happy to learn that the impediment has now been overcome. Addresses for all Crown land Committees of Management (minus the Secretary's name) have been provided to Rhonda Galbally's excellent and innovative organisation "Our Community," and will be found by going to www.ourcommunity.com.au, then following the prompts to 'Directory of Organisations'. ■

In the course of researching this edition's lead story, we came across a curious misunderstanding about the Crown Land (Reserves) Act. It was believed in certain quarters that each Committee of Management can manage only one Crown reserve. It's not hard to see how the misunderstanding came about: across the State the one-committee-to-one-reserve formula persists from the days of the horse and buggy.

Fortunately, this view is incorrect. If it's desirable to appoint one committee over several reserves, then it's quite possible to do so. Examples might include specialist committees managing thematically-related reserves, or local committees managing dissimilar but neighbouring reserves in a community. ■

What powers do councils have to authorise temporary road closures?

Question from a council which had been asked to close off a road to provide secure parking for neighbouring property.

There are several heads of power allowing councils to implement or authorise temporary road closures – although we couldn't find anything to fit the particular circumstances that gave rise to this question.

The *Local Government Act 1986* (Schedule 11) covers those cases which a council is most likely to face. Clause 6 deals with restrictions associated with construction sites; Clause 7 allows road closures on a seasonal basis; Clauses 9 and 10 deal with permanent and temporary barriers; and Clause 11 deals with closures for shopping malls.

The *Road Safety Act 1986* was amended by the *Road Management Act 2004*, which inserted sections 99A and 99B. Section 99B authorises a Road Authority to issue a permit for a 'non-road activity' – which is an activity which will significantly interfere with the normal use of the road. Section 99A requires any person conducting works or a non-road activity to have a traffic management plan, and to observe the relevant Code of Practice made under the Road Management Act.

Before utilising any of the provisions mentioned above, a council should first confirm that it is in fact the road authority for the road concerned, whether consultation with VicRoads is required, and whether the proposal must be exhibited under section 223 of the *Local Government Act 1989*.



The *Land Act 1958* (section 400) allows a council to declare a road to be 'unused' whereupon responsibility transfers to DSE which will usually licence the land to an abutting owner under sections 130 or 138. Although the Land Act uses the term 'road' without qualification, the provision is in fact limited to Government Roads (i.e. roads on Crown land). Councils should note that this power should be exercised only in consultation with DSE.

The *Road Management Act 2004* (Schedule 4) allows a State Road Authority to close a roadway on a seasonal basis, or to place permanent barriers on a roadway – but this power is not available to councils, because they already hold equivalent powers under the Local Government Act.

The *Road Management Act 2004* (Schedule 5) also allows leases over roads – but this power is only available to VicRoads. Councils wishing to lease part of a road reserve need first to go through a formal discontinuation – but that will have to be the subject of another Question & Answer in a future edition. ■



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