A New Local Government Act for Victoria

Hon Marlene Kairouz MP
Minister for Local Government
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A New Local Government Act for Victoria

Local Government in Victoria

Debates over the roles, responsibilities and structure of municipal governance are as old as the history of Victorian settlement. For much of our history, the development and evolution of councils has outrun the legislation attempting to define them. This is again true in 2017.

Victoria’s first councils were created to build roads, wharves and secure water supply, to operate markets and cemeteries and to protect the poor and infirm. Melbourne City Council – Victoria’s first - was created in 1842, a decade before Victoria’s first colonial Government of 1851. The first Local Government Act to bring together oversight of rural and metropolitan councils under a single piece of legislation did not come into force until 1874.

Fast forward to 2017 and Victoria is experiencing its fastest ever demographic, technological, economic, environmental and social change. Councils are sprinting to keep up. Their responsibilities have expanded rapidly over the past three decades as their communities demand responsible representation and high quality infrastructure and services. Councils’ statutory responsibilities have also continued to grow since the current Act became law in 1989.

Modern councils play a vital and extensive role in delivering for Victoria’s diverse communities. They fund and deliver critical community services for mothers, infants and the aged, ensure food safety standards, serve as planning authorities, provide road and transport infrastructure, build and operate modern libraries and sport and recreation facilities, support communities in emergencies and so much more. Councils create the social capital that make places into communities. Councils help to build civic pride, connected communities and a vibrant civil society.

The scale of this enterprise is easy to underestimate. Councils manage over $89 billion of public infrastructure and deliver services valued in excess of $7 billion every year. These are substantial responsibilities and the quality of council governance makes a material difference to Victorians. The legislative framework which determines the governance and representation of this level of government is critically important.

The Government came to office with a mandate to update Victoria’s Local Government Act. The project has been warmly embraced by the local government sector and the wider Victorian community which has been extensively involved in the co-creation of this Draft Bill.

A Reform Agenda for Victoria’s Councils

In 2015, the Andrews Government embarked on the most significant reform agenda in local government since the generational reforms of the 1990s.

With the release of an ambitious Ministerial Statement in August 2015, the Government committed to deliver on a seventeen-point action plan to overhaul the governance, capacity and performance of councils over this term of Government. A central feature of the local government reform agenda has been a determination to more clearly define the outcomes required of councils while simultaneously giving councils greater agency to determine how to achieve them. This approach is a feature of this new Local Government Draft Bill.

As part of these reforms council rate rises have been capped. Comparable performance data is benchmarked and publicly reported on the Know Your Council website to give ratepayers a comprehensive picture of council performance. Council governance legislation has been reformed to set clearer limits on councillor conduct and sharper triggers for intervention. The conditions for council elections have been modernised and the Victorian Electoral Commission made the universal election service provider. New resources have been made available to close gaps in community infrastructure, particularly targeting fast growing corridors of the capital. An Aboriginal Local Government Action Plan is being implemented and strategic interventions are in train to achieve gender
equity in the ranks of mayors, councillors, council CEOs and senior executives. The 2016 council elections delivered the highest proportion of female councillors in Victoria’s history. Many commitments made through the Ministerial Statement have now been implemented. Others are well advanced.

The first action in the Ministerial Statement – the creation of a new Local Government Act – brings many of these strands together. The new Act will consolidate and legislatively embed the Fair Go Rates reform, the new transparent performance reporting framework, governance and electoral reforms and new approaches to collaborative investment, sound financial management and strategic planning. Many councils have supported these changes, helping to shape key provisions in partnership with the Government.

Why a new Local Government Act is needed

The existing 1989 Local Government Act was a conscientious attempt to modernise legislation which, in many parts, dated from the 19th century. But as pointed out in Background Papers commissioned for the review, it was swiftly overtaken by the Kennett Government reforms of the 1990s. These reduced the number of Victoria’s councils from 210 to 78 and the number of councillors from over 2000 to around 600. The reforms modernised council business structures and shifted the accent of council responsibility from representation to governance. Some of these changes made councils more efficient but they arguably left a democratic deficit, a sense that councils were less able to remain in touch with their local communities.

If the 1989 Act was outmoded by the radical changes that quickly followed its introduction, the many amendments that have followed have rendered it more incoherent over time. The oldest of Australia’s Local Government Acts, the 1989 Act is also the most amended. Its original 136 pages have expanded by a factor of four. The size of the current Act is one measure of how compromised its original intent has become. It has long since ceased to provide a contemporary and accurate guide to the powers, roles and responsibilities of councils.

The Government’s over-riding objectives for a new Act

Given this history, the current Draft Bill is not based on further amendments to the 1989 Act but rather reflects a first principles review.

The Victorian Government has three overriding objectives for this new Local Government Act:

• Victorians will better understand and value the role of councils as democratically elected bodies that represent their interests; participate more as candidates, voters and citizens in council activities; and contribute to council strategic visions and plans
• councils will drive reform across the state by being more autonomous and outcome-oriented; and by embracing innovative and collaborative arrangements that increase organisational efficiency and deliver public value for residents
• the Act will be a living document that tells people clearly what councils do and how to get involved, and provide a sound framework for the sector to become more efficient and enterprising in its local governance.

The journey so far - Engagement on the Act Review

The review of the Local Government Act has been informed by extensive and deep engagement with councils, ratepayers, the wider community and specific stakeholders.

There have been four stages to this engagement process.
Stage 1 – Reform ideas: In September 2015, the Government released a comprehensive Discussion Paper inviting ideas on options to reform all aspects of the legislative framework.

This was followed by analysis of:

- 348 submissions responding to the Discussion Paper
- Responses provided at 10 community forums between February and March 2016 at: Wangaratta, Swan Hill, Shepparton, Warrnambool, Horsham, Dandenong, Sale, Melbourne CBD, Sunshine and Maryborough
- 12 commissioned papers on all aspects of the council legislative framework, published for comment on the www.yourcouncilyourcommunity.vic.gov.au website
- Ideas generated by six technical working groups of senior council specialists on: council operations; consultation and engagement; council role and responsibilities; rates and charges; financial decision-making and accountability; and offences and breaches
- Ideas generated at meetings with peak council and ratepayer associations.

Stage 2 – Policy Directions: In June 2016, the Government released a Directions Paper (Act for the Future) outlining 157 potential reform directions.

This was followed by analysis of:

- 333 submissions responding to the Directions Paper
- Responses provided at 18 community forums with Mayors, council CEOs and community members between July and September 2016 at: Frankston, Traralgon, Ararat, Kyneton, Benalla, Werribee, Angelsea, Mildura and Melbourne CBD
- Ideas generated at meetings with peak council and ratepayer associations.

Stage 3 – Implementation Challenges: Through 2017, targeted consultation was undertaken to inform the Exposure Draft Bill, comprising:

- Seven technical working groups of senior sector experts to resolve implementation challenges, analyse timing and staging issues, identify areas where further guidance material will be required to underpin the reforms. Topics included: council operations, representative structures, community engagement and strategic planning, council finances, rates and charges, council probity and local laws
- Meetings with peak ratepayer groups
- Meetings with key stakeholders on issue specific reforms
- Meetings with council peak organisations and newly elected councillors.

Stage 4 – Exposure Draft Bill: In December 2017 a draft of the Bill is being made publicly available for community comments and submissions.

This is the fourth and final stage of public consultation before the Bill enters the Parliament. The Government is providing a two-month window for comments on the Bill before the Hon Marlene Kairouz MP, the Minister for Local Government, takes a final Bill into the Parliament proposing that it become the Local Government Act 2018.

To understand how to participate in Stage 4 of the consultation go to the How to Get Involved section at the conclusion of this document.
**10 out of 10 – The Major Reforms**

The new Draft Bill contains dozens of reforms but the following ten major changes provide a flavour for how local government in Victoria will be strengthened:

<table>
<thead>
<tr>
<th>No</th>
<th>Major reform</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mayors will provide greater leadership to councils by adopting more extensive responsibilities and undertaking a commitment to report progress annually to their communities on the Council Four Year Plan.</td>
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<tr>
<td>2</td>
<td>Consistency of council representative structures will be improved by establishing a consistent formula for determining councillor numbers and having councils unsubdivided or comprise uniform councillor numbers per ward.</td>
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<tr>
<td>3</td>
<td>We will increase participation, formal voting and fairness in council elections by adopting a consistent voting method for all elections (attendance, postal or electronic).</td>
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<tr>
<td>4</td>
<td>Councils will undertake deliberative community engagement processes before adopting a four-year Council Plan and four-year Budget so communities better inform strategic directions and spending priorities of council.</td>
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<tr>
<td>5</td>
<td>Councils will integrate strategic planning and reporting and adopt a long-term approach, comprising a four-year Council Plan, a four-year Council Budget, a long-term community vision, 10-year financial plan and 10-year asset plan.</td>
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<tr>
<td>6</td>
<td>The Act will strengthen the Minister’s powers to deal with individual councillors who are contributing to or causing serious governance failures at a council.</td>
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<tr>
<td>7</td>
<td>All councils will have a CEO employment and remuneration policy and an independent advisory mechanism to guide recruitment, contractual arrangements and performance monitoring of the CEO.</td>
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<tr>
<td>8</td>
<td>Councils will have greater autonomy with prescriptive decision-making processes replaced by a requirement to comply with high-level principles requiring transparency, accountability and sound financial management.</td>
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<td>9</td>
<td>Financial sustainability of councils will be strengthened as the Act reinvigorates their capacity to innovate and collaborate with other councils, other government agencies and the private sector.</td>
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<tr>
<td>10</td>
<td>The new Act will establish a single method for valuing land, clarify exemptions from rates and increase transparency in the levying of differential rates.</td>
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### Finding your way - Structure of this Draft Bill

The Exposure Draft Local Government Bill has 11 parts. This table is designed to help you navigate the Exposure Draft Bill.

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<th></th>
<th>Preliminary</th>
<th>Definitions</th>
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<td>Councils</td>
<td>Working Parts to Operate</td>
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<tr>
<td></td>
<td></td>
<td>Roles and Powers, Overarching Governance Principles, Constitution, Mayors &amp; Councillors Entitlements, CEOs, Council Staff</td>
</tr>
<tr>
<td>3</td>
<td>Decision Making</td>
<td>Policy</td>
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<tr>
<td></td>
<td></td>
<td>Principles, Community Engagement, Meeting Procedures, Governance Rules, Local Laws, Guidelines And Directions</td>
</tr>
<tr>
<td>4</td>
<td>Planning and Financial Management</td>
<td>Plan and Budget</td>
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<tr>
<td>5</td>
<td>Rates and Charges</td>
<td>Revenue</td>
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<tr>
<td></td>
<td></td>
<td>Declaration, Special Purpose Charges, Payment and Recovery, Environmental Upgrades, Fair Go Rates</td>
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<tr>
<td>6</td>
<td>Council Operations</td>
<td>Delivery</td>
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<td></td>
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<td>Service Performance, Procurement, Beneficial Enterprises, Land</td>
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<tr>
<td>7</td>
<td>Council Integrity</td>
<td>Defining and Managing Conduct</td>
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<td></td>
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<td>Probity Offences, Councillor Conduct Framework, Conflict of Interest</td>
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<tr>
<td>8</td>
<td>Ministerial Oversight</td>
<td>Authority of Minister to Intervene</td>
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<td>Restructuring Councils, Monitors, Municipal Inspector, Commissions Of Inquiry, Suspensions, Temporary Administration</td>
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<td>9</td>
<td>Electoral Provisions</td>
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<td>Voter Franchise, Candidates, Conducting Elections, Electoral Offences, Campaign Donations</td>
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<tr>
<td>10</td>
<td>General Provisions</td>
<td>Other Matters</td>
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<td>Regulations</td>
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<td>11</td>
<td>Transitional and Consequential</td>
<td>Implementing the New Act</td>
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<td></td>
<td></td>
<td>Commencement of Provisions, Changes to Other Acts</td>
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Major Changes by Part

This section provides an overview of selected changes in each Part of the new Draft Bill.

Part 2 - Councils

1. This Part defines the roles and power of a council and the principles that must guide council actions and the role of the CEO and staff and the Audit and Risk Committee.
2. While councils have the power to do whatever things are necessary or convenient to perform their roles, they must exercise these powers and perform their role in accordance with the overarching governance principles described in the Draft Bill. Among other things, the principles require a council to act lawfully, give priority to the best outcomes for the community, engage with their community and cooperate with other governments and public bodies.
3. Compliance with the overarching governance principles is the basis for determining whether a council is providing good governance. Part 3 explains that the Minister may issue Good Practice Guidelines. Compliance with such a guideline can be used as evidence of compliance with the Act.
4. Councils may comprise 5-12 councillors (this maintains the existing maximum of 12) and must be unsubdivided or comprise wards with equal numbers of councillors. The number of councillors elected to each council will be determined by a formula set out through Regulations, based on municipal population and geographic scale.
5. Mayors will serve a one year term (with the option of two-year appointment) and will continue to be elected by their peers. Longer terms are to be served by the Mayors of the Cities of Melbourne (four years) and Geelong (two years).
6. The responsibilities of mayors will be extended slightly and will include responsibility for leading a community engagement process on the Council Plan and Budget and reporting annually to the community on progress in implementing the plan.
7. The role of councillor will be defined as to: participate in the decision-making of the council; represent the broad interests of the local community in that decision-making; and to contribute to the strategic direction of the council through the development and review of key strategic documents of the council, including the Council Plan.
8. Council CEOs will continue to lead the administrative arm of council and employ staff.
9. Councils will have a CEO Employment and Remuneration Policy consistent with the principles in the Public Sector Commission’s Policy on Executive Remuneration for Public Entities.
10. Council CEOs will adopt workforce plans and a Code of Conduct for staff. The workforce plan will promote gender equity, diversity and inclusiveness. CEOs must specify gender equity targets for the employment of all senior staff in their workforce plans.
11. The move to a principles based Act with less rigid legislative rules will increase the responsibilities of Audit and Risk Committees in assisting councils to remain compliant with the Act and the policies required by it and with other legislation.
Part 3 – Decision Making

1. Council decision making will be transparent and use contemporary community engagement processes.
2. The Draft Bill describes community engagement and public transparency principles. They support the overarching governance principles.
3. The Draft Bill requires councils to have in place a community engagement policy which gives effect to the community engagement principles. The engagement principles have been prepared for a legislative purpose and to remain valid over a generation. For this reason they are succinct, high level and sustainable. They align with the Victorian Auditor General’s Office Public Participation Principles (which are detailed and reflect the public sector values of responsiveness, integrity, impartiality, accountability, respect and human rights). Table 1 shows the alignment of the two sets of principles.
4. Public transparency policies will describe the ways that council information will be made available to the public. The public transparency principles require council information to be accessible and understandable.
5. Each council will be required to adopt and apply governance rules that describe the way they will conduct council meetings and make decisions. The governance rules will apply a council’s community engagement and public transparency policies and demonstrate how council decision making processes support fairness and equity. The governance rules must include an election period policy, outlining council caretaker provisions.
6. The governance rules will describe how the council will make decisions and conduct itself. They will replace council’s meetings local laws. Among other things, governance rules will describe the way Mayors and Deputy Mayors are to be elected, how records of decision making processes are kept and how the public will be provided access to information about council processes and decisions. The governance rules will explain the limitations to decision making that apply to a council during an election period.
7. Council meetings should be open to the public. Councils will be able to close a meeting to the public to consider information that is confidential. The nature of confidential information will be specifically defined and will mainly relate to the types of information that would be exempt from disclosure under the Freedom of Information Act 1982.
8. Council collaboration is reinforced by a new capacity to hold joint council meetings.
9. Councils may delegate decision making powers to delegated committees. Such committees must be chaired by a councillor and include at least two councillors.
10. New arrangements spell out more clearly how councils must exercise local law making powers. To comply, a council must obtain a certificate from a legally qualified person stating that each proposed local law is consistent with the requirements. This includes compliance with the Victorian Charter of Human Rights and Responsibilities.
11. Before making a local law a council must conduct a community engagement process and a local law must be publicly available both when proposed and when made.
12. The Sentencing Act will allow for indexation of penalties for breaches of local laws.
13. Ministerial good practice guidelines will assist councils comply with the Act and these will be published on the Department’s website. While councils will not be bound to implement guidelines, compliance may be used as evidence of compliance with the corresponding provisions in the Act or Regulations.
<table>
<thead>
<tr>
<th>Community Engagement Principles (Local Government Draft Bill)</th>
<th>VAGO Public Participation Principles</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clear Remit</strong>&lt;br&gt;A community engagement process must have a clearly defined objective and scope</td>
<td>Be clear about the scope and objective of the community engagement exercise (Accountability).&lt;br&gt;Ensure that those affected understand the scope of the pending decision, the decision-making process and any constraints on this process (Transparency and Integrity).&lt;br&gt;Be clear about the contribution participants will be asked to make and the responsibilities associated with this (Accountability).</td>
</tr>
<tr>
<td><strong>Informed</strong>&lt;br&gt;Participants in community engagement must have access to objective, relevant and timely information to inform their participation</td>
<td>Embed in all decision-making processes an openness to appropriately understand and incorporate the views of those affected by decisions and provide access to all relevant information about the decision in a manner that participants can understand, so that their contributions may be fully informed (Openness).</td>
</tr>
<tr>
<td><strong>Representative</strong>&lt;br&gt;Participants in community engagement must be representative of the persons and groups affected by the matter the subject of the community engagement</td>
<td>Make every reasonable effort to include the stakeholder groups and members of the public affected by the pending decision (Inclusiveness).&lt;br&gt;Be aware and take account of the needs of diverse communities to be able to participate in a meaningful way (Awareness).</td>
</tr>
<tr>
<td><strong>Supportive and Inclusive</strong>&lt;br&gt;Participants in community engagement are entitled to support to enable meaningful and informed engagement <em>(Guidelines will work with the VAGO Principles to help define “support”)</em></td>
<td>Provide appropriate time and resources to ensure that those affected can participate in a meaningful way (Accountability).&lt;br&gt;Make reasonable adjustments where necessary to remove barriers to participation and ensure an inclusive approach (Inclusiveness).</td>
</tr>
<tr>
<td><strong>Transparent and Accountable</strong>&lt;br&gt;Participants in community engagement are informed of the ways in which the community engagement will influence council decision making</td>
<td>Respond to the engagement and input of the public in a timely and constructive manner (Responsiveness).&lt;br&gt;Address public and stakeholder concerns in an honest and forthright way and communicate results back to the public in a way they understand (Transparency and Integrity).&lt;br&gt;Demonstrate that results and outcomes are consistent with the commitment made at the outset of the process (Accountability).</td>
</tr>
<tr>
<td><strong>Other</strong>&lt;br&gt;Responsiveness is addressed through the requirement for councils to implement a community engagement policy</td>
<td>Identify and promote public participation better practice in government/council decision-making (Responsiveness).&lt;br&gt;Fully advise government of the significant impacts of decisions on stakeholder groups and the public and challenges and opportunities related to the engagement exercise (Responsiveness).</td>
</tr>
</tbody>
</table>
Part 4 – Planning and Financial Management

1. The Draft Bill contains an integrated planning and reporting framework which locates the Council Plan and Budget at the centre of strategic decision making and accountability.

2. Under the Draft Bill, the budget, like the Council Plan will run for four years, with annual budgets (like the state budget) including projections for the three out years. Victoria will be the first state to have council budgets run on the same quadrennial cycle as the state budget.

3. Giving both the plan and budget a four-year timeframe enables deep community engagement to be undertaken to inform both simultaneously with both core planning documents struck by 30 June in the year after the election.

4. The Draft Bill sets out Strategic Planning principles which councils must take account of in formulating their strategic planning documents.

5. There will be new requirements for all councils to have:
   a. A long-term community vision developed in consultation with the local community and articulating its vision for the municipality, including both what the council will deliver and areas of responsibility of others in the municipality
   b. A financial plan with a 10-year outlook
   c. An asset management plan of 10 years.

6. The requirement for longer term asset and financial planning reflects the expanded role of councils for complex service delivery and major public infrastructure.

7. Councils will be required to adopt a revenue and rating plan. This will reflect the Government’s expectation that rating discipline will be maintained.

8. The integrated nature of the planning and financial management framework will mean that all plans a council adopts will be articulated with the four-year Council Plan and Budget.

9. This Part specifies the conditions for financial and annual reports of councils. The shift in emphasis to reporting of outcomes will be used to reduce activity based reporting.

10. The mayor is required to publicly report annual progress against the Council Plan in the course of tabling the Council Annual Report at a council meeting open to the public.

11. Councils will also have financial policies consistent with the financial management principles articulated in the new Act and adapted to local requirements.

12. Limitations restrict investment types available to councils to mitigate the likelihood of high risk investments which may compromise the financial sustainability of a council.

13. Council Plans and Budgets will be consistent with the Local Government Performance and Reporting Framework and baseline. Comparable performance reporting will be transparently captured through the Know Your Council website.

Part 5 – Rates and Charges

1. Part 5 of the Draft Bill reorganises and modernises the provisions relating to rateable land to provide greater certainty to councils and ratepayers.

2. Land used exclusively for mining purposes (not including the mineral value) will become rateable while all other rating exemptions are retained.

3. Land used exclusively for charitable purposes will continue to be exempt from rates including when the land is owned by a private entity and leased to a charitable organisation.

4. The Draft Bill requires all councils, with the exception of Melbourne City Council, to apply capital improved value as the single uniform valuation system for raising municipal rates.
5. Following a recommendation from the Report of the Commission of Inquiry into Ararat Rural City Council, the Draft Bill extends the requirement for councils to explain the objectives and reasons for declaring differential rates to uniform rates. The Draft Bill also retains the requirement that the differential rate declared by a council be no more than four times the lowest differential rate in the municipality.

6. The Draft Bill limits the fixed component of council revenue from rates and charges to 10 per cent to cover administrative costs, halving the existing limit of 20 per cent.

7. The Draft Bill rationalises the provisions relating to service charges to ensure they accurately reflect the services councils provide and gives the Minister the power to prescribe other service charges in Regulations if necessary.

8. The Fair Go Rates system is enshrined in the Draft Bill. Rates recovered under the Cultural and Recreational Lands Act 1963 by a council will be included in the Fair Go Rates cap.

9. The Draft Bill continues to prescribe the process by which a council may declare a special purpose charge but streamlines consultation provisions and updates prescribed conditions. It alters appeal provisions to allow VCAT to set aside a special purpose charge that doesn’t comply with the prescribed conditions.

10. The Draft Bill continues to prescribe the process by which a council may declare a special purpose charge.

11. Councils are required to provide an option to pay rates in a lump sum or by four instalments. The quarterly instalment dates will be set to reinforce consistency across all councils. Councils will continue to have the flexibility to offer alternative payment options to ratepayers such as monthly payments.¹

12. The Draft Bill establishes a uniform process and timeline to enable a person to apply to VCAT to review a rates or charges decision of a council.

13. Provisions allowing councils to engage in environmental upgrade agreements have been simplified and their scope expanded. These agreements are council-based financing mechanisms to help residents and businesses access funding for building works to improve energy efficiency, reduce waste and cut water use.

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**Part 6 – Council Operations**

1. The Draft Bill introduces service performance principles in recognition that councils deliver over $7B in vital services each year. The Act requires councils to take account of these principles, which will mandate considerations of equity, accessibility, quality and cost, continuous improvement and accountability in service delivery for the local community.

2. Councils will be required to have a complaints policy for service delivery which includes a definition of complaint and an independent review mechanism. This means if a council receives a complaint about a service an independent officer will assess and respond to the complaint. Complaints review does not apply to the independent decision-making powers of the council or decisions made by staff or contractors of the council which are subject to statutory review.

3. Rigid one-size tender thresholds are removed from the new Draft Bill. Instead, councils will be required to establish a procurement policy appropriate for their own community, based on sound financial management principles and optimising opportunities for co-operative arrangements and economies of scale.

4. Councils must comply with their procurement policies. These policies must seek to promote open and fair competition.

5. The Draft Bill confers powers for councils to engage in beneficial enterprises and co-operative business opportunities which deliver public value. Councils may establish a beneficial enterprise with other councils, other levels of government or private sector organisations so long as the enterprise is consistent with the role of a council as defined in Part 2 Division 2 of the Draft Bill.

6. The Draft Bill retains the requirement for a council to conduct a public consultation process on the proposed sale of land. This is an important safeguard to alert members of the public whose interests may be impacted by the proposed sale.

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¹ Revised 11 January 2018
Part 7 – Council Integrity

1. The Draft Bill is designed to provide councils with maximum autonomy in how they deliver while reinforcing council integrity and requiring that councils give effect to the principles based governance framework.

2. The Draft Bill embeds the Local Government (Improved Governance) Act 2015 reforms. Part 7 of the Draft Bill spells out the prohibitions and penalties arising from: misuse of position; directing council staff; release of confidential information and conflict of interest.

3. The new rules define two types of conflicts of interest which apply to elected councillors, members of delegated committees and council staff:
   a. A material conflict of interest exists where a councillor or staff member or a person with whom they have a defined relationship stands to gain or lose as a result of a decision. A failure to disclose such a conflict and step aside from the decision is a criminal offence.
   b. A general conflict of interest exists where an impartial, fair-minded person would consider that the private interests of a councillor or staff member could result in them acting contrary to their public duty. This is not a criminal offence, but a breach may be the subject of disciplinary action.

4. Councils now have an unequivocal responsibility to manage councillor conduct to ensure consistency with the probity standards councils have set themselves through their councillor codes of conduct. In keeping with the transparency principles, councils must make their codes of conduct public.

5. The manner and form of words of the declaration to abide by the code of conduct will be integrated into the oath of office (made at the outset of a councillor’s term) and is prescribed in the Draft Bill to remove ambiguity in the wording. This will serve as a declaration to abide by all future revised codes of conduct adopted during the council term.

6. All councils are required to have in place internal resolution procedures to manage councillors who breach their council’s code of conduct. More serious matters will be adjudicated by Councillor Conduct Panels or Victorian Civil and Administrative Appeals Tribunal (VCAT).

7. The Draft Bill has a clear hierarchy and definitions of:
   a. Misconduct (Councillor Conduct Panels)
   b. Serious Misconduct (Councillor Conduct Panels), and
   c. Gross Misconduct (VCAT).

8. The reforms link the hierarchy to responsible authorities for their adjudication (these are identified at 7. above).

9. A reformed model of Councillor Conduct Panels now manages matters relating to misconduct and serious misconduct.

10. Councillors will be required to complete personal interest returns biennially.

11. All councils will be required to have in place a publicly transparent gifts policy, covering acceptance and disposal of gifts by councillors and a gift register.

Part 8 – Ministerial Oversight

1. The Minister will be able to issue a governance direction to a council to ensure it complies with the governance framework under the Draft Bill. This may include a direction to comply with a best practice guideline. Failure to comply with a governance direction can be taken into account by the Minister in considering whether to suspend the council or an individual councillor.

2. The Draft Bill recognises that councils have the capacity to develop and adopt arrangements that significantly exceed minimum requirements in Regulations. To recognise and encourage the adoption of higher standards, provision has been made for high performing councils to apply for and obtain exemptions from particular Regulations.
3. The Draft Bill maintains compliance enforcement instrumentalities in the form of municipal monitors and the Chief Municipal Inspector.

4. The Minister will be in a position to appoint monitors to assist councils to prevent or address governance challenges and to strengthen their governance practices.

5. The Chief Municipal Inspector will continue to investigate and prosecute potential breaches of the Local Government Act.

6. The Minister will continue to have authority to appoint a Commission of Inquiry to conduct an inquiry into any matter relating to the affairs of a council or more than one council.

7. The Minister will also have a new power to suspend an individual councillor in situations in which there is clear evidence provided by a monitor, the CMI, the Ombudsman, IBAC or a Commission of Inquiry that the councillor is causing or contributing to governance failures or is breaching the Act and that without intervention the problem will persist. This replaces the stand down provisions applying to councillors under the 1989 Act.

8. The Minister maintains the existing power to suspend an entire council where there is evidence of significant governance failures or breaches of the law.

9. The dismissal of a council will continue to require the approval and passage of an Act through both houses of the Victorian Parliament.

10. The Draft Bill includes new baseline conditions that must be considered by a restructuring advisory panel in providing advice to the Minister on altering the external boundaries of a council.

11. Two specific powers of the Minister are addressed in other Parts. Part 3 provides that the Minister may issue best practice guidelines. If a council complies with a relevant best practice guideline, it is evidence of compliance with the relevant requirement under the legislation or the Regulations.

12. Part 10 provides that the Minister will continue to have the power to make Regulations to support the legislation. The general principle involved will be to keep regulation to a minimum. The legislation aims to prescribe outcomes councils must meet and leave to the judgement of individual councils and their communities the determination of how those outcomes are achieved.


1. There is no change to the electoral franchise contained in the Draft Bill. Voting entitlements remain unchanged.

2. Future council elections will be conducted using a uniform method – either attendance election, postal ballot or any other model (such as electronic voting should that become secure and viable). The Minister will determine the method based on advice from the Victorian Electoral Commissioner at least one year ahead of general elections.

3. The process for conducting countbacks for multi-member wards and unsubdivided elections will change when a councillor resigns mid-term. Currently only the votes of the vacating councillor are considered. Under the Draft Bill all votes cast in the election will be recounted until a candidate is elected. Continuing councillors are not affected by this process because their positions are expressly protected by legislation.

4. Disputes about the outcomes of council elections should be heard by a tribunal with related jurisdictions and by officials with significant legal training and experience. VCAT will assume responsibility for review of disputed elections in future.

5. Candidates for council elections are currently required to submit an overview of campaign donations they receive above a threshold of $500. All candidates are required to submit a return, even if they receive no disclosable donation. The rigour of the campaign donation regime will be reinforced with a requirement that returns be lodged with the Chief Municipal Inspector (CMI) within 21 days of receipt of each donation and summaries will be published on the Inspectorate website. This change will give voters more information on the supporters of candidates at the time of voting. It also reflects the fact that the CMI has responsibility for enforcement of campaign donation returns and replaces a requirement for candidates to submit their returns to the council CEO.
TIMING - Transitional and Consequential Provisions

In recognition of the extent of change arising from the introduction of the new framework, the Draft Bill makes provision for staged commencement and implementation to facilitate a smooth transition from the Local Government Act 1989 to the new Act.

Staged implementation will ensure that councils have sufficient time to understand and comply with the new statutory requirements and for supporting resources such as guidelines to be developed to provide councils with certainty in acquitting their new obligations and responsibilities.
Indicative timeline for Implementation

The timeline provided here assumes the Bill is finalised and introduced into Parliament by Mid-2018. Following Royal Assent, provisions of the new Act will come into operation over four stages, with the final stage being implemented in line with the 2020 general council elections.

This means that councils will continue to apply the previous Local Government Act 1989 and the corresponding Regulations until specific provisions of the new Act commence. Where the new Act requires a new policy, plan or function, councils will have six months after the commencement date to comply with the statutory obligation.
Stage 1 – 1 July 2018
These provisions of the new Act introduce key elements of the new legislative framework relating to the constitution of councils and the role and functions of councils. The overarching good governance principles and supporting principles are also introduced. These encompass all council functions and are intended to guide councils’ exercise of power under the new Act.

While there are few practical implications for councils during stage 1, in the six-month period following Royal Assent councils will be in a position to prepare for stage 2.

Stage 2 – 1 January 2019 (Final implementation by 1 July 2019)\(^2\)
Under these provisions, councils will be required to have in place key council decision making policies such as a community engagement policy and public transparency policy to ensure councils are representative, transparent and accountable in exercising their decision-making power. Detailed guidelines will be available to assist in the development of these policies.

Councillors will also be required to reconstitute the Audit and Risk Committee. The expanded role of the Audit and Risk Committee is an important oversight mechanism in the transition to the new Act.

At this stage councils will also be required to reframe some of their operations in relation to CEO, council staffing and councillor entitlements. Amongst other things, councils will be expected to have in place a CEO Employment and Remuneration Policy consistent with the principles contained in the Public Sector Commission’s Policy on Executive Remuneration in Public Entities.

Stage 3 – 1 July 2019 (Final implementation by 1 January 2020)
Key elements of the new framework will come into operation at stage 3 relating to governance processes, financial management, council integrity and Ministerial oversight.

Councillors will need to prepare for how council meetings are conducted. Councils will also need to ensure that appropriate financial policies are in place to give effect to the financial management principles.

Councillors will also need to familiarise themselves with new processes and obligations in relation to council integrity, local laws and Ministerial oversight to ensure continued compliance with the Act.

Stage 4 – 2020 General Elections / 30 October 2020 (Final implementation by 1 July 2021)
These provisions will commence with the new council term or a specific date soon thereafter.

These provisions will introduce the expanded role of the Mayor and require councils to elect their new Mayor for a term of one or two years within one month of the new term, with the exceptions of the Cities of Melbourne (four years) and Geelong (minimum of two years).

It is also envisioned that councils will adopt key plans between the election and the start of the 2021 financial year. This will include the development of a long-term community vision, a four-year Council Plan as well as 10-year Asset and Financial Plans. Detailed Regulations and guidelines will assist councils’ transition to an integrated planning and reporting framework.

The modernised rating and revenue provisions will also come into operation following the general elections. Amongst other things, this will require councils to develop and adopt a revenue and rating plan by 1 July 2021 that aligns with its financial plan.

The new electoral provisions will apply to the 2020 general elections.

\(^2\) Revised 11 January 2018
Framework of the New Local Government Act

The Framework diagram that follows helps explain the way in which the Draft Bill would operate in practice.

- **Parliamentary or legislative powers**
  
  The Red boxes are Parliamentary or legislative powers exercised through legislation. The legislation establishes council roles and powers and sets in place the overarching governance framework and the ways in which the overarching governance principles must be applied by councils. It sets out the policies, plans and governance instruments a council must have in place and the baseline conditions for these to meet legislative requirements. An Act of Parliament will continue to be required to dismiss a council.

- **Core council responsibilities**
  
  The Grey boxes identify core council responsibilities under the Draft Bill. These include the preparation of a council plan, policies mandated by the legislation, operations delivered by the council administration and the appointment of an Audit and Risk Committee to monitor sound financial management and compliance with core governance principles through council policies.

- **Powers of the Minister for Local Government**
  
  The Orange boxes identify the powers of the Minister for Local Government under the Draft Bill. These powers provide for the development of Best Practice Guidelines to aid compliance with legislative provisions where prescription has been removed. The Minister also has the power to issue Ministerial Directions on the basis of advice from an integrity body and the power to suspend an individual councillor or a council where there is evidence that the Act is being breached and will continue to be breached without Ministerial intervention. Part 8 of the Bill contains provisions relating to Ministerial Oversight.

- **Interface between the community and the council**
  
  The Purple boxes in the diagram represent the interface between the community and the council. The community role includes the election of the council, informing the long-term community vision of the council, as well as the council plan. The Draft Bill requires all councils to have in place an independent complaint handling mechanism to ensure responsive and independent review processes to address community complaints relating to council services. This does not extend to decisions of the elected council so long as these are made consistent with council powers and processes prescribed by the Local Government Act and other Acts.
Framework of the New Local Government Act

- Council Role and Powers
- Overarching Governance Principles

1. Good Governance
   The application of Good Governance Principles to Councils’ role and powers

2. Council Plan
   Addresses Community Vision, Integrates with budget

3. Council Policies
   How Council will apply the Overarching Governance Principles

4. Council Operations
   Planning, infrastructure, services, local laws, rates, etc

5. Council Reporting
   Annual Report, Performance reporting

6. Audit and Risk Committee
   Monitors and Reports

7. Enforcement
   If failure to provide good governance
   - Suspend a Councillor
   - Suspend a Council
   - Council Dismissal

Legend
- Community
- Parliament/Act
- Council
- Minister
# Snapshot of Major Changes by Part

<table>
<thead>
<tr>
<th>Part 2 - Councils</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Local Government Act 1989</strong></td>
<td><strong>New Local Government Draft Bill 2018</strong></td>
</tr>
<tr>
<td>How councils exercise powers and perform roles minutely defined in legislation as part of the Local Government Charter.</td>
<td>Councils exercise powers and perform their role in accordance with the overarching governance principles.</td>
</tr>
<tr>
<td>Councils may be unsubdivided, all single wards, uniform multi-member wards, non-uniform multi-member wards, mixed single and multi-member wards.</td>
<td>Councils may be unsubdivided, all single wards, or uniform multi-member wards.</td>
</tr>
<tr>
<td>Mayors serve a one year term, with an option for a second year (noting the exceptions of the Cities of Melbourne and Geelong).</td>
<td>Unchanged. A new provision will enable the elected council to vote out a mayor mid-term if 75% of councillors agree.</td>
</tr>
<tr>
<td>All mayors except City of Melbourne are elected by and from the councillors.</td>
<td>Retained.</td>
</tr>
<tr>
<td>Deputy Mayor role optional for councils.</td>
<td>Mandatory for councils to appoint a Deputy Mayor.</td>
</tr>
<tr>
<td>Councils are not required to have a CEO Remuneration Policy.</td>
<td>All councils will have a CEO Employment and Remuneration Policy which is consistent with principles in the Public Sector Commission’s Policy on Executive Remuneration for Public Entities.</td>
</tr>
<tr>
<td>Council CEOs not required by the Act to have a workforce plan.</td>
<td>CEOs to develop and maintain workforce plans that describe the organisational structure, specify expected staffing requirements for at least the next four years and set out measures to ensure gender equity, diversity and inclusiveness in relation to council staff.</td>
</tr>
</tbody>
</table>

# Part 3 - Policy and Decision-Making

|  |
|-------------------|---|
| **Existing Local Government Act 1989** | **New Local Government Draft Bill 2018** |
| The Council Plan and Budget may be developed with minimal reference to the local community. | Councils must have an engagement policy and must engage their community in a deliberative process to inform the Council Plan and Budget. |
| Meeting rules are included in council local laws based on extensive prescription in the Act. | Each council will be required to adopt and apply governance rules that describe the way they will conduct council meetings and make decisions consistent with the overarching governance principles. |
| The circumstances in which council meetings may be closed are weakly defined. | Council meetings should be open to the public. Councils will be able to close a meeting to the public to consider information that is confidential. The nature of confidential information will be specifically defined and will mainly relate to the types of information that would be exempt from disclosure under the Freedom of Information Act 1982. |
| Collaboration between councils is constrained by the Act. | Council collaboration is encouraged and underpinned by a new power for joint council meetings and a requirement to consider opportunities for joint procurement. |
### Part 3 - Policy and Decision-Making cont’d

<table>
<thead>
<tr>
<th>Existing Local Government Act 1989</th>
<th>New Local Government Draft Bill 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local laws are developed with minimal limitations and penalty units cannot be indexed.</td>
<td>Local laws require consultation with the community and must be certified by a legally trained ‘qualified’ person. Penalties are automatically indexed in the Sentencing Act consistent with state legislated penalties.</td>
</tr>
<tr>
<td>Councils are largely dependent on the Act in order to meet legislative requirements.</td>
<td>Ministerial good practice guidelines will assist councils comply with the Act and these will be published on the Department’s website. While councils will not be bound to implement guidelines, adherence to the guidelines may be used as evidence of compliance with the corresponding provisions in the Act or Regulations.</td>
</tr>
</tbody>
</table>

### Part 4 - Planning and Financial Management

<table>
<thead>
<tr>
<th>Limited requirement for existing strategic planning documents to be integrated and consistent.</th>
<th>An integrated planning and reporting framework which locates the Council Plan and Budget at the centre of strategic decision making and accountability.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Budget runs for one year.</td>
<td>The Budget, like the Council Plan, will run for four years as for state budgets, but an expectation of annual review of the Budget.</td>
</tr>
<tr>
<td>No requirement for a long-term community vision.</td>
<td>Mandated community vision of at least 10 years developed with the local community.</td>
</tr>
<tr>
<td>No requirement for an Asset Plan.</td>
<td>Mandated Asset Plan of 10 years.</td>
</tr>
<tr>
<td>Strategic resource Plan of 4 years underpins the Council Plan but no requirement for a long-term Financial Plan.</td>
<td>Mandated Financial Plan of 10 years.</td>
</tr>
<tr>
<td>Four-year Council Plan must be finalised by 30 June in the year after the council election.</td>
<td>No change to timeline for finalising Council Plan.</td>
</tr>
<tr>
<td>Council submits annual report to the Minister.</td>
<td>Council publishes Annual Report.</td>
</tr>
<tr>
<td>No requirement to report progress against the Council Plan.</td>
<td>Mayor is required to publicly report annual progress against the Council Plan.</td>
</tr>
<tr>
<td>Councils not required to adopt a Revenue and Rating plan.</td>
<td>Councils required to adopt a Revenue and Rating plan.</td>
</tr>
<tr>
<td>Limitations restrict investment types available to councils to mitigate the likelihood of high risk investments which may compromise the financial sustainability of a council.</td>
<td>Retained.</td>
</tr>
<tr>
<td>Comparable performance reporting transparently captured through the Know Your Council website.</td>
<td>Retained.</td>
</tr>
</tbody>
</table>
## Part 5 - Rates and Charges

<table>
<thead>
<tr>
<th>Existing Local Government Act 1989</th>
<th>New Local Government Draft Bill 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rating of land is exempted when used for charitable purposes, religious purposes and veterans.</td>
<td>Rating exemptions essentially retained but more clearly defined.</td>
</tr>
<tr>
<td>Mining exempted from rates.</td>
<td>Land used exclusively for mining becomes rateable.</td>
</tr>
<tr>
<td>Councils may use one of three methods to value land for rates (capital improved value, site value or net annual value).</td>
<td>All councils except the City of Melbourne must use capital improved value to value land for rating purposes.</td>
</tr>
<tr>
<td>A differential rate declared by a council may be no more than four times the lowest differential rate in the municipality.</td>
<td>Retained.</td>
</tr>
<tr>
<td>A municipal charge (a general administrative charge levied at a flat rate against all ratepayers) is limited to 20% of the total revenue from rates and charges.</td>
<td>A municipal charge (referred to as the fixed component of municipal rates) is limited to 10% of the total revenue from rates and charges.</td>
</tr>
<tr>
<td>The Fair Go Rates system caps rates at CPI, with an opportunity for councils to seek a variation.</td>
<td>Retained.</td>
</tr>
<tr>
<td>Environmental upgrade agreements enable council-based financing mechanisms to help businesses access funding for building works to improve energy efficiency, reduce waste and cut water use.</td>
<td>Environmental upgrade provisions strengthened in the new Act to make clear benefits extend to the owners of residential land.</td>
</tr>
</tbody>
</table>

## Part 6 - Council Operations

<table>
<thead>
<tr>
<th>Existing Local Government Act 1989</th>
<th>New Local Government Draft Bill 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>No specific service performance principles or requirements.</td>
<td>The Draft Bill introduces service performance principles in recognition that councils deliver over $7B in services each year. The Draft Bill requires councils to take account of these principles, which will mandate equitable, responsive, accessible, value added service delivery for the local community.</td>
</tr>
<tr>
<td>No complaints policy is mandated.</td>
<td>The Draft Bill defines ‘complaint’ and requires each council to have a complaints policy relating to operational delivery that defines its approach and includes an independent review mechanism.</td>
</tr>
<tr>
<td>Council procurement subject to rigid, one size tender thresholds under the Act.</td>
<td>Councils set their own procurement and investment policies consistent with principles of sound financial management and opportunities for collaboration and which ensure fair and open competition.</td>
</tr>
<tr>
<td>Limited powers for collaboration with other councils, other arms of government and private partners.</td>
<td>Greater powers for councils to engage in beneficial enterprises; co-operative business opportunities which deliver public value. Councils may establish a beneficial enterprise with other councils, other levels of government or private sector organisations so long as the enterprise is consistent with the role of a council as defined in Part 2 Division 2 of the Draft Bill.</td>
</tr>
<tr>
<td>A council must conduct a public consultation process on the proposed sale of land.</td>
<td>Retained.</td>
</tr>
<tr>
<td>Existing Local Government Act 1989</td>
<td>New Local Government Draft Bill 2018</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td><strong>Part 7 - Council Integrity</strong></td>
<td></td>
</tr>
</tbody>
</table>

The *Local Government (Improved Governance) Act 2015* redefined the councillor conduct framework in the current Act. **Retained.**

The range of possible conflicts of interest are voluminously described in the Act. New rules define two types of conflicts of interest which apply to councillors, delegated committee members and council staff:

- A *material conflict of interest* exists where a councillor or staff member or a person with whom they have a defined relationship stands to gain or lose as a result of a decision. A failure to disclose such a conflict and step aside from the decision is a criminal offence.

- A *general conflict of interest* exists where an impartial, fair-minded person would consider that the private interests of a councillor or staff member could result in them acting contrary to their public duty. This is not a criminal offence, but a breach may be the subject of disciplinary action.

Councillors undertake a two-step process in declaring that they will abide by the Councillor Code of Conduct: first making a declaration; then within three months revising the code and, if amendments are made, making a second declaration. Councillors make a single declaration to abide by the Code of Conduct within three months of their election. The manner and form of words of the declaration to abide by the Code of Conduct is integrated into the oath of office (made at the outset of a councillor’s term) and is prescribed in the legislation to remove ambiguity in the wording.

Misconduct and Serious Misconduct is heard by Councillor Conduct Panels and Gross Misconduct is heard by VCAT. **Retained.**

Councils not required to have a gifts policy. Councils required to have in place a publicly transparent gifts policy, covering acceptance and disposal of gifts by councillors and a gift register.
**Part 8 - Ministerial Oversight**

<table>
<thead>
<tr>
<th>Existing Local Government Act 1989</th>
<th>New Local Government Draft Bill 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>No capacity to exempt high performing councils who exceed minimum requirements from baseline Regulations.</td>
<td>The Draft Bill recognises that councils have the capacity to develop and adopt arrangements that significantly exceed minimum requirements in Regulations. To recognise and encourage the adoption of higher standards, provision has been made for high performing councils to apply for and obtain exemptions from particular Regulations.</td>
</tr>
<tr>
<td>Minister can stand down an individual councillor (with pay).</td>
<td>Minister can suspend a councillor (without pay) subject to receiving clear evidence provided by a monitor, the CMI, the Ombudsman, IBAC or a Commission of Inquiry that the councillor is causing or contributing to governance failures or is breaching the Act and that without intervention the problem will persist.</td>
</tr>
<tr>
<td>Act provides for a range of inquiry instruments with a diverse range of powers for a range of different purposes.</td>
<td>Minister will have authority to appoint a Commission of Inquiry to conduct an inquiry into any matter relating to the affairs of a council or more than one council. Commission powers will be aligned to the Inquiries Act.</td>
</tr>
<tr>
<td>The Minister has the power to suspend an entire council where there is evidence of significant governance failures or breaches of the law.</td>
<td>Retained.</td>
</tr>
<tr>
<td>The dismissal of a council requires the passage of a Bill through both houses of the Victorian Parliament.</td>
<td>Retained.</td>
</tr>
<tr>
<td>No baseline conditions that must be considered by restructuring advisory bodies in providing advice to the Minister on altering the external boundaries of a council.</td>
<td>Baseline conditions identified in <em>Review of Sunbury out of Hume</em> must be considered by restructuring advisory bodies in providing advice to the Minister on altering the external boundaries of a council.</td>
</tr>
</tbody>
</table>

**Part 9 - Council Elections**

| Voter franchise includes citizens on the state roll and property franchise voters. | No change to voting entitlement. |
| Elections may be conducted by post or attendance at the discretion of the council. | The Minister determines a uniform election method (post, attendance or other method) at least 12 months before the general elections based on advice from the VEC. |
| Countbacks only consider the votes of the vacating councillor. | Countbacks recount all votes cast in the election until a candidate is elected. Continuing councillors are not affected by this process because their positions are expressly protected by the legislation. |
| The Magistrates Court conducts reviews of disputed elections. | VCAT will review disputed elections. |
| Candidates must submit their campaign donation declarations to the CEO of the Council within 40 days after the conclusion of an election. | The rigour of the campaign donation regime will be reinforced with a requirement that returns be lodged with the Chief Municipal Inspector within 21 days of receipt of each donation. |
How to get involved

The government invites all Victorians to get involved in the review of the Local Government Act 1989 by making a submission about the proposed Bill.

Submissions

The government invites written submissions. Please make a submission in one of three ways:

Online: via the online submission form, or by uploading your completed submission form at the Your Council Your Community website: www.yourcouncilyourcommunity.vic.gov.au.

Email your completed form to local.government@delwp.vic.gov.au.

Post your completed form to:

Local Government Act Review Secretariat

c/o Local Government Victoria

PO Box 500

Melbourne VIC 3002

Submissions in other formats will also be accepted.

To contact the Local Government Act Review Secretariat:

Visit www.yourcouncilyourcommunity.vic.gov.au

Email local.government@delwp.vic.gov.au

Call (03) 9948 8518

Submissions in response to the Draft Bill close on Friday 16 March 2018 at 5pm.

Your submission will be made public unless you ask for confidentiality and the Executive Director of Local Government Victoria grants it, or if it is determined your submission should remain confidential. Submissions that are defamatory or offensive will not be published.