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# AGENDA OF THE SPECIAL COUNCIL MEETING

Held on Monday 8 July 2019  
6.00pm  
350 High Street, Preston





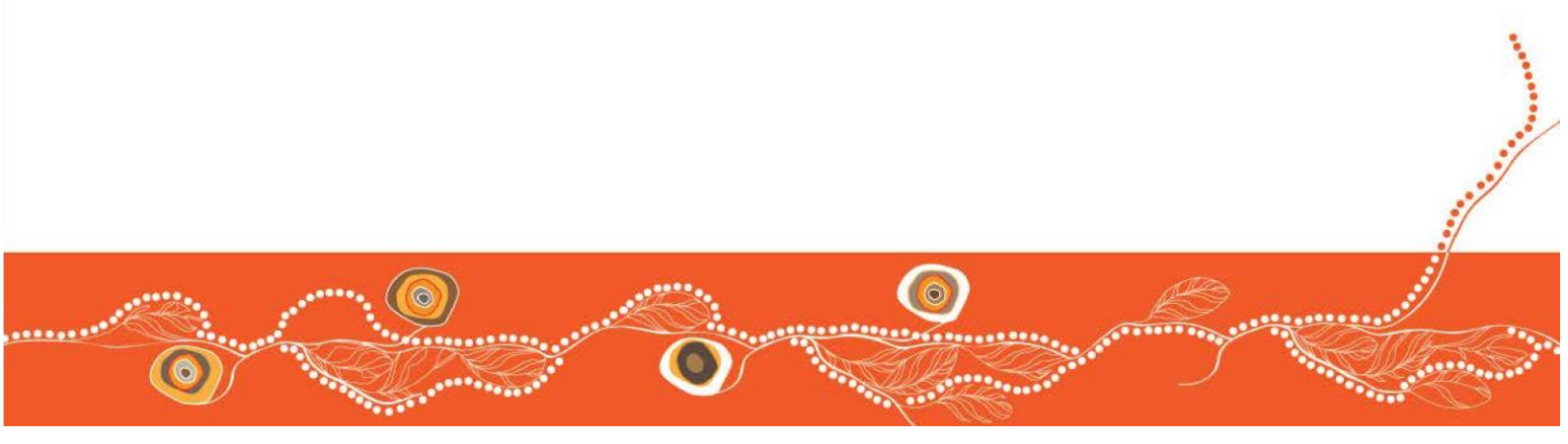
## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN**

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land and waters we now call Darebin and pays respect to their Elders, past, present and emerging.

Council also pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises and pays tribute to the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait communities and the right to self-determination in the spirit of mutual understanding and respect.



**English**

This is the Agenda for the Council Meeting. For assistance with any of the agenda items, please telephone 8470 8888.

**Arabic**

هذا هو جدول اعمال اجتماع المجلس. للحصول على المساعدة في أي من بنود جدول الاعمال، يرجى الاتصال بالهاتف 8470 8888.

**Chinese**

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

**Greek**

Αυτή είναι η Ημερήσια Διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα της ημερήσιας διάταξης, παρακαλείσθε να καλέσετε το 8470 8888.

**Hindi**

यह काउंसिल की बैठक के लिए एजेंडा है। एजेंडा के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

**Italian**

Questo è l'ordine del giorno della riunione del Comune. Per assistenza con qualsiasi punto all'ordine del giorno, si prega di chiamare il numero 8470 8888.

**Macedonian**

Ова е Дневниот ред за состанокот на Општинскиот одбор. За помош во врска со која и да било точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

**Nepali**

यो परिषद्को बैठकको एजेन्डा हो। एजेन्डाका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

**Punjabi**

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

**Somali**

Kani waa Ajandaha Kulanka Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriir 8470 8888.

**Spanish**

Este es el Orden del día de la Reunión del Concejo. Para recibir ayuda acerca de algún tema del orden del día, llame al teléfono 8470 8888.

**Urdu**

یہ کاؤنسل کی میٹنگ کا ایجنڈا ہے۔ ایجنڈے کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

**Vietnamese**

Đây là Chương trình Nghị sự phiên họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong chương trình nghị sự, xin quý vị gọi điện thoại số 8470 8888.

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# Agenda

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## **1. MEMBERSHIP**

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

## **2. APOLOGIES**

## **3. DISCLOSURES OF CONFLICTS OF INTEREST**

## 4. ITEM LISTED FOR CONSIDERATION

### LOCAL GOVERNMENT BILL

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#### EXECUTIVE SUMMARY

An item of Urgent Business regarding the Local Government Bill was raised by Cr Newton at the Council meeting held on 24 June 2019.

The meeting admitted the following motion from Cr Newton –

**That** Council:

- (1) Notes with grave concern that:
  - a) several significant changes are proposed to the Local Government Bill 2018, intended to be introduced into parliament later this year, without warning and without consultation, with only one month to provide feedback by 17 July 2019;
  - b) the proposed changes include changes to the voter franchise, blanket single-member wards for all councils and removing the multi-member wards as an option which has been strongly supported by the Victorian Electoral Commission (VEC), and introducing a petition process (requiring 25% of voters) which could lead to dismissing Councillors, which is undemocratic.
- (2) Notes that the VEC is about to commence its representation review of Darebin City Council, with submissions opening 26 June 2019 and noting that in its last review in 2007, the VEC recommended that Darebin move from single-member to multi-member wards, which has led to greater diversity of Councillors and representation; and single-member wards could reverse this outcome.
- (3) Authorise the CEO to write to:
  - a) the Minister for Local Government expressing Council's concerns about his proposed changes and the lack of warning and genuine consultation with the local government sector and seeking clarification of proposed community consultation and parliamentary tabling timelines and details of the proposed Bill;
  - b) the Premier, Local State Members of Parliament, the Opposition State Minister for Local Government, the Municipal Association of Victoria (MAV) and Victorian Local Governance Association (VLGA) as above, expressing Council's concerns about the Minister's proposed changes and the lack of warning and genuine consultation with the local government sector.
- (4) Authorise the CEO to work with other Councils in seeking the Minister to reconsider his proposed changes.
- (5) Authorise the CEO to prepare a submission to the proposed changes by the Minister for Local Government (due 17 July), on the grounds that Council objects to the proposed changes in terms of 1 and 2 above in the strongest possible terms, including that:
  - a) Voter petitions with support from more than 25% of voters within a municipality will lead to a Commission of Inquiry (Col), and where the Col finds a Councillor has caused or contributed to a failure of the Council's good governance, the Councillor will be disqualified for four years; and Councils will have to meet the costs for the Col;

- b) Single-member wards will be mandated except where a Ministerial exemption is granted for an un-subdivided municipality based on a small population and large geographic area;
- c) Simplified voter franchise requiring non-resident property owners to apply to vote rather than automatically included from the Council's rates records.

After some preliminary discussion, the meeting formally resolved to defer consideration of this matter to a Special Council meeting to be held on 8 July 2019.

Accordingly, this matter is listed for Council's further consideration and determination.

<b>Recommendation</b>
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**That** Council

### **Attachments**

- Officers Report - Local Government Bill (**Appendix A**) [↓](#)



## SPECIAL COUNCIL MEETING

8 JULY 2019

**0.0 LOCAL GOVERNMENT BILL****Author:** Coordinator Governance, Council Business and Civic Services**Reviewed By:** General Manager Governance and Engagement**EXECUTIVE SUMMARY**

The Minister for Local Government, the Hon. Adem Somyurek MLC, issued a media release on Monday 17 June 2019, advising that he proposes to proceed with six additional reforms to the *Local Government Bill 2018*. The announcement of these changes, without warning or consultation with the local government sector, and with only one month allowed for submissions and feedback, is disappointing.

Council has called a Special Council Meeting in order to consider this matter in detail and to provide direction with regard to its submission to the Minister on his new reforms.

**Recommendation****That Council:**

1. Notes with grave concern that:
  - a) several significant changes are proposed to the *Local Government Bill 2018*, intended to be introduced into parliament later this year, without warning and without consultation, with only one month to provide feedback by 17 July;
  - b) the proposed changes include blanket single-member wards for all councils and the removal of multi-member wards as an option, when multi-member wards have been strongly supported by the Victorian Electoral Commission (VEC), and introducing a petition process (requiring 25% of voters) for dismissing Councillors, which is undemocratic;
2. Notes that the VEC has commenced its representation review of Darebin City Council, with submissions opening 26 June 2019 and noting that in its last review in 2007, the VEC recommended that Darebin move from single-member to multi-member wards, which has led to greater diversity of Councillors and representation, and single member wards could reverse this outcome;
3. Authorises the Chief Executive Officer to write to:
  - a) the Minister for Local Government to express Council's concerns about his proposed reforms and the lack of warning and genuine consultation with the local government sector and to seek clarification of the proposed community consultation and parliamentary tabling timelines;
  - b) the Premier, Local State Members, the Opposition State Minister for Local Government, the Municipal Association of Victoria and the Victorian Local Government Association expressing Council's concerns about the Minister's proposed reforms and the lack of warning and genuine consultation with the local government sector;
4. Authorises the CEO to:
  - a) work with other councils in seeking the Minister to reconsider his proposed reforms; and

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- b) prepare a submission to the proposed reforms by the Minister for Local Government (due 17 July), on the basis that while Council is supportive of several reforms, it does strongly object to reforms 1 and 2, and has major concerns with reform 6.

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**BACKGROUND / KEY INFORMATION**

This matter was raised and accepted as an item of Urgent Business at the Council meeting held on 24 June 2019. The meeting resolved that the matter be deferred to a Special Council meeting to be held on 8 July 2019.

**COMMUNICATIONS AND ENGAGEMENT****Consultation**

The Municipal Association of Victoria has issued a members brief to its member councils and is provided as a related document.

**Communications**

The nature of this matter does not necessitate any specific external communication to be undertaken at this stage.

**ANALYSIS****Alignment to Council Plan / Council policy**

The nature of this report is best aligned to Goal 6 – We will be a leading, modern and open Council to meet our challenges, now and in the future. This matter is being progressed, to achieve the best outcomes for our community.

**Environmental Sustainability Considerations**

There are no environmental sustainability considerations arising with the preparation of this report.

**Equity, Inclusion and Wellbeing Considerations**

There is potential that the proposed reforms relating to a simplified voter franchise and standardised electoral structures may have negative impacts for diversity in local government.

**Cultural Considerations**

There are no cultural considerations arising from the presentation of this report.

**Economic Development Considerations**

There are no economic development considerations arising from the presentation of this report.

**Financial and Resource Implications**

There are no financial or resources implications arising from the presentation of this report.

## Legal and Risk Implications

Risk implications are outlined in the Discussion section of the report.

## DISCUSSION

The six additional reforms proposed are in addition to the original reforms in the *Local Government Bill 2018*. The changes are summarised as follows:

1. ***Simplified Voter Franchise***  
To make Council electoral rolls more closely aligned to the State electoral roll.
2. ***Standardised Electoral Structures***  
To move to single-member wards, unless impractical to subdivide into wards.
3. ***Training***  
To introduce new requirements for candidates and Councillors to improve competency, skills and transparency.
4. ***Donation reform***  
To introduce recent changes to electoral campaign donations arrangements at state elections to local government elections.
5. ***Improved Conduct***  
To introduce mandatory standards of conduct, a clear and consistent arbitration process and provide the arbiter powers to impose sanctions.
6. ***Community Accountability***  
To make Councillors more accountable through stronger sanctions for serious conduct violations and introduction of a Community-initiated Commission of Inquiry.

To assist Councillors in forming a view on each of the proposed reforms, officers have captured for each reform the pertinent background information, the MAV's proposed position and officer commentary. The full commentary from the MAV is provided as a related document.

## REFORM 1 – SIMPLIFIED VOTER FRANCHISE

This reform provides that people on the State electoral roll be directly enrolled to vote in their council election and for other people who pay council rates to have a right to apply for enrolment.

Under current legislation, Council prepares a list of ratepayer voters and the VEC combines that list with the State Roll to form the Municipal Voters' Roll. The list of ratepayer voters automatically includes one or two owners for a rateable property.

According to the State Government:

There are problems with this system. In many cases property owners are already on the State electoral roll, so the VEC must go through every council's list of ratepayers to remove the duplicated voters. This is a difficult and imprecise task.

A further issue is that voting is compulsory for residents on the State electoral roll but not for property-based voters. In practice, voter participation by non-residents is historically low. Well over three quarters of residents on the State roll vote in their council elections whereas less than half the non-resident ratepayers vote.

Changing the voter franchise is proposed to be done in two stages over two election cycles:

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**Stage 1**

State electoral roll voters would continue to be directly enrolled.

Non-resident property owners who were enrolled would retain their enrolment status as an interim arrangement.

Non-resident new property owners not previously enrolled will be entitled to apply for enrolment and will not be directly enrolled without application.

Commercial lessees and company representatives will continue to be entitled to apply for enrolment.

**Stage 2**

For the 2024 Victorian Local Government elections, the final stage of the reform will come into effect. Non-resident property owners will no longer be directly enrolled to vote in council elections. Owners will be entitled to apply for enrolment if they wish to vote. Each affected person will be notified of the change and provided an opportunity to enrol. Compulsory voting will continue to apply only to residents on the State roll in 2020. From 2024; however, it will become compulsory for all enrolled voters to vote.

**Proposed MAV Position**

It is proposed to reiterate MAV's position that the retention of the existing voter franchise is supported.

**Officer Comment**

In the 2016 Local Government Elections, non-resident voters represented approximately 12% of the voter roll for the City of Darebin. The VEC's report into the 2016 Elections states that for councils that had postal elections, 56% of the voters on the Chief Executive Officer's list participated (which includes non-resident voters).

This compares to 79% participation for voters on the Electoral Commissioner's list. While the participation rate for non-resident voters is lower, it is not insignificant.

By making the decision to vote an elective choice for non-residents in a world where demands on time and resources is ever evolving, Officers believe this would be detrimental to the balance of voting entitlement.

Officers are of the view that further information is required to understand the potential impact of the proposed reform on voter participation. In addition, it is not clear how any change would be communicated, which is a particular issue to Darebin and other municipalities where communities from CALD backgrounds are significant. It will be essential that any change is accompanied by timely, culturally appropriate and multilingual information directed to these ratepayers about their right to apply for enrolment.

With regard to the staged implementation plan for this reform, if Council is required to provide a list of only the non-resident voters who were enrolled for the last election under the Stage 1 plan, this will require a change to our systems. This change may be difficult to implement in time for the next election cycle and will come with an associated cost.

**REFORM 2 – STANDARDISED ELECTORAL STRUCTURES**

This reform would remove the option for councils to be constituted as multi-member wards. An unsubdivided municipality model option will be available to those councils whose demographic profile make division into wards inappropriate, e.g. councils with large geographical areas and small populations (such as some rural councils).

The paper released by the State outlining the additional reforms states:

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Single member wards for each council enable residents to more effectively receive direct representation. Councillors will be more accountable to local communities, fostering true 'local' government. Consistent application of this model also ensures that all councillors are elected under the same system with equal vote shares within their council. This more closely reflects the way members of Parliament are elected.

**Proposed MAV Position**

It is proposed to oppose this reform and support the retention of the current range of electoral structures in the *Local Government Act 1989*. Victorian local government comprises 79 unique councils and flexibility in electoral structure is needed to effectively respond to local needs.

**Officer Comment**

The City of Darebin moved from a single-member ward structure to a multi-member ward structure in the VEC's 2007 electoral representation review. The primary reasons for this were that the VEC determined that the multi-member ward structure better reflected the communities of interest within the Darebin municipality and would be better placed to accommodate the expected growth within the city.

The evidence suggests that there is a general trend away from single-member wards as a result of these representation reviews, which are informed by both the expert analysis of the VEC and submissions from the community.

In 2007, 12 of the metropolitan Melbourne councils had a single-member ward structure. In 2019, only three of those metropolitan councils have maintained a single-member ward structure. Two of those three councils are undergoing representation reviews in the 2019–20 year.

Generally speaking, potential disadvantages associated with the single-member ward structure are as follows:

- there may be a limited choice of candidates for certain wards, restricting diversity overall in Councillor representation of the community;
- in illustration of the above point, the average percentage of female Councillors for metropolitan councils is 46%; however, the percentage of female Councillors for metropolitan councils with single-member ward structures averages at 35%;
- ward boundaries may unnecessarily divide communities of interest;
- smaller geographical areas may be more susceptible to changes as a result of population growth, necessitating more frequent changes to ward boundaries;
- Councillors may become focused on issues local to their ward and lack a broader council-wide approach; and
- major groups may support candidates in multiple wards, potentially leading to one group dominating the Councillor cohort.

In addition, the VEC has commenced another electoral representation review of the City of Darebin. Council believes that it is disingenuous of the State Government to engage the community on potential models of representation for the municipality, while simultaneously proposing the implementation of a uniform model through the proposed bill. Council supports the VEC review process as the most appropriate mechanism to determine the recommended representation model for each municipality.

Further, any potential impact that might detrimentally impact gender balance in local representation is inconsistent with the State Governments stated commitment to improving womens participation. The State, via Local Government Victoria has a number of current programs aimed at addressing gender imbalance. In addition, the State has made public commitments to achieving 50% of new appointments for women to paid public boards. The Victorian Governments website states "*We are committed to the promotion of women in*

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*leadership and decision-making roles. That's why we've set targets to increase the representation of women in leadership."*

**REFORM 3 – TRAINING**

This reform provides that all candidates for council elections will be required to undertake mandatory training as a condition of their candidature. The VEC will reject any nominations that fail this test.

The nature of the mandatory training will be the subject of further consultation with the local government sector and then prescribed in regulations.

In addition, Councillor induction training will be required to be arranged by the Chief Executive Officer for councillors within six months of being elected. If a Councillor fails to take the Councillor induction training within the specified time, their allowance will be withheld until such time the Councillor has taken the training, at which point the allowance will be refunded.

**Proposed MAV Position**

The MAV supports the provision of appropriate information to candidates prior to standing for election or information.

MAV considers candidate training should be provided in the context of raising awareness about local government elections, should continue to be provided by the MAV, with a state-wide consistent format and an auditable attendance record that can be provided to the VEC.

The MAV supports mandatory councillor training and will work with the sector to establish a training program that can be tailored by each council to minimise the costs associated with this proposal. The program will be developed prior to the 2020 general elections.

**Officer Comment**

Mandated training for election candidates and new Councillors could provide a consistent approach across the local government sector and ensure that both candidates and newly elected Councillors are well informed about the duties and responsibilities of the Councillor role.

It is unclear at this stage what the cost or resourcing implications might be for Council; however, the overall intent of this reform is positive.

**REFORM 4 – DONATION REFORM**

The reform provides that:

- Foreign donations will be banned. Donors will need to be an Australian citizen or resident, or a business with an Australian Business Number.
- Electoral campaign donations to individual candidates and candidate groups from a single donor will be capped at an aggregated amount of \$1000 for Victorian local government elections, in respect of each 'donation period' – that is, commencing 30 days after the last general election or 30 days after the last election for which a candidate was required to give a return (whichever is later), and 30 days after the election day of the current election.
- The 'gift disclosure threshold' which applies to campaign donations and other gifts received by councillors, subject to requirements of the Bill, will change from the \$500 proposed in the 2018 Bill, to \$250 for all councils.
- All councils will be required to have a gift register and a publicly transparent gift policy covering the acceptance and disposal of gifts by councillors and staff.

**Proposed MAV Position**

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That:

- The prohibition on foreign donations be supported.
- The reduction in the gift disclosure threshold to \$250 be supported.
- The position on the cap of \$1000 per donation be considered after feedback from the sector.
- The requirement for a gift register and gift policy be supported.

**Officer Comment**

Council supports the proposed changes to the framework for electoral campaign donations as a valuable enhancement to the integrity of the electoral process.

**REFORM 5 – IMPROVED CONDUCT**

Under this reform, the 2019 Bill will no longer include the Councillor Conduct Principles. Instead it will require each council to adopt a councillor code of conduct that includes the standards of conduct prescribed in Regulations.

The standards will define specific acts and omissions of behaviour that apply to all councillors in all councils. Councils will retain discretion to include additional material in their codes (but not to the standards of conduct).

Further changes affect the Internal arbitration process which will become a legislated process managed by the Principal Councillor Conduct Registrar (PCCR) rather than requiring each council to develop and adopt its own process.

The rationale provided by the State indicates that the internal resolution procedures introduced in 2016 for councils to deal with low-level misconduct locally and to resolve matters more quickly than through Councillor Conduct Panels have not been entirely successful, with many adopting a multi-step approach that draws out the dispute and is costly to implement.

The paper released by the State outlining the additional reforms states:

It is proposed the 2019 Bill will replace internal resolution procedures developed by councils with internal arbitration processes. The 2019 Bill will specify that the internal arbitration processes will include:

- the appointment of an arbiter by the PCCR from a pre-approved list of qualified arbiters;
- an application fee that will be refunded at the end of the arbitration process unless the application is deemed frivolous, vexatious, misconceived or lacking in substance; and
- arbiters being empowered to directly impose minor disciplinary penalties, such as requiring an apology or imposing a one-month suspension.

The terminology of the Act will change to accommodate these reforms:

- A finding by an arbiter that a councillor has breached the standards of conduct will be a finding of 'misconduct'.
- Any adverse finding by a Councillor Conduct Panel against a councillor will be a finding of 'serious misconduct'.

The term 'gross misconduct' will continue to relate only to a finding of the Victorian Civil and Administrative Tribunal that results in the disqualification of a councillor.

**Proposed MAV Position**

That the proposal be supported in principle subject to further consultation with the sector on the detailed standards of conduct to be prescribed in regulation.

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That the proposal be supported in principle subject to further consultation with the sector on the content of the regulations.

**Officer Comment**

The implementation of a mandatory code of conduct for Councillors will provide a clear and consistent benchmark for all councils. This reform is supported subject to each council having the ability to include additional material, as is currently proposed.

In addition, the introduction of a more streamlined process for addressing instances of Councillor misconduct through the proposed arbitration process is supported.

**REFORM 6 – COMMUNITY ACCOUNTABILITY**

This reform will provide two new processes that will result in a Councillor being removed from office and prohibited from being a Councillor of any council for a period of four years:

***Disqualification – Repeated Serious Misconduct***

Councillor Conduct Panels hear allegations of serious misconduct against Councillors. Serious misconduct can relate to bullying, conflicts of interest, improper direction of council staff, disclosing confidential information, sexual harassment or failing to comply with an arbitration process. If a panel makes a finding of serious misconduct against a Councillor twice within eight years, that councillor will be automatically disqualified. A disqualified councillor will be ineligible to contest another council election for the next four years.

***Community-initiated Commission of Inquiry***

Under the *Local Government Act 1989*, the Minister may appoint a Commissioner to conduct an inquiry into the affairs of a Council or councils. This power was included in the 2018 Bill along with some minor changes to ensure the powers of the commission align to the *Inquiries Act 2014*.

It is intended to create a second pathway for a Commission of Inquiry above the powers proposed in the 2018 Bill. Under this pathway, the Minister must appoint a Commission of Inquiry into a council on receiving a petition signed by eligible voters in the municipal district, whose total numbers are greater than 25 per cent of the total enrolment number on the voters' roll prepared at the council's most recent general election (see petition process below). In setting the terms of reference for the Commission of Inquiry the Minister must have regard to the reasons included in the application for the petition.

The Commission of Inquiry may make a finding that a Councillor has significantly caused or contributed to:

- a failure by the council to provide good governance; or
- a failure by the council to comply with a governance direction.

Before a Commission proposes to make an adverse finding, that Councillor must have an opportunity to respond to those matters. The Commission must consider the response before making the finding. If a Commission of Inquiry appointed as a result of a petition makes a finding that a Councillor should be disqualified, the subject Councillor will be disqualified from being a Councillor for four years (subject to the report being tabled in Parliament).

The Minister must provide notice of the outcome of a petition for a Commission of Inquiry to the applicant, the VEC and the council. The VEC must publish notice of the outcome in a manner prescribed in regulation.

The Minister maintains the discretion to appoint a Commission of Inquiry into the affairs of Council. Where a Commission of Inquiry (appointed at the Minister's discretion) makes a



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finding against a Councillor, the Minister has the discretion to take appropriate action, including issue a governance direction, suspend or dismiss a Council. However, the Minister will not have the power to disqualify a Councillor under these circumstances.

The process for petition will be set through regulations. The process is outlined below.

The requirements for a petition will be treated as seriously as an election. An application for a petition will be made to the VEC accompanied by the prescribed fee. This application will require specific information including a statement of up to 200 words providing grounds for why a petition is sought.

Applications will be limited to people who are enrolled or entitled to be enrolled on the voters' roll for the municipal district. Councillors, members of staff of the council and people who have previously been an applicant or nominated representative during the current council term will not be permitted to receive approval for a petition.

The VEC will provide a copy to the council named in the petition for a response of up to 200 words. The VEC will provide public notice of the petition and include the relevant response, if any. The applicant and nominated representatives will be allowed to collect signatures to the petition for 60 days from the date of the public notice.

The applicant and nominated representatives must collect signatures in the prescribed manner and must reasonably believe that the persons signing the petition are enrolled, or entitled to be enrolled, in the municipal district and are providing informed consent to be included in the petition.

The applicant may lodge a petition with the Minister within five days of the end of the 60-day period. Upon receipt of a petition, the Minister must provide it to the VEC to provide advice on validity and percentage of signatures represented by the petition.

**Proposed MAV Position**

That the proposal for disqualification for repeated serious misconduct be supported.

The Community-initiated Commission of Inquiry is a significant reform that has not been the subject of previous discussion or consultation. MAV is most concerned at the sparse detail provided and the potential implications for councils and councillors both in terms of damage to reputation and the costs of being involved in a Commission of Inquiry. MAV seeks full and proper consultation with the sector on this reform and requests that it be held over from the current Bill until such time as this occurs.

**Officer Comment**

Support is given to the proposed disqualification for Councillors who have two findings of serious misconduct within eight years as an appropriate response that will support enhanced accountability throughout the sector, noting it would be a matter for the affected Councillor to appeal the disqualification through Parliament.

The proposed petition process for a Community-initiated Commission of Inquiry is problematic. The potential disqualification of a democratically elected representative is a serious matter and it is appropriate that the decision-point to initiate such a process that could result in disqualification sits with the Minister, as was proposed in the *Local Government Bill 2018*. Members of the community would be able to make representations to the Minister if they were of the belief that a Commission of Inquiry was warranted.

The process as outlined, requiring support from more than 25% of eligible voters, is onerous. Although the verification requirements to validate the signatures will be undertaken by the VEC, it is assumed that the cost would be borne by councils, as is the case for electoral

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representation reviews. The impact of such costs on councils, in the context of a rate-capping environment, would be significant.

An alternative proposition could be advocacy to seek an increase to the powers afforded to the Local Government Inspectorate to include Councillor conduct and to make the LGI an entirely independent authority able to make decisions (rather than make recommendations to the Minister).

**OPTIONS FOR CONSIDERATION**

**Option 1 – Council submits a response to the reform paper as per the recommendation (Recommended)**

**Option 2 – Council submits a response to the reform paper with amendments**

Council may wish to make a submission on the reform paper that expresses opposition to or concerns about reforms other than those outlined in 1, 2 and 6.

**Option 3 – Council does not submit a response to the reform paper (Not recommended)**

Submitting no response to the reform paper is not recommended as some of the reforms proposed are significant and have the potential to negatively impact on the community or Council as a whole.

**IMPLEMENTATION STRATEGY**

Subject to Council resolving to make a submission in response to the reform paper, Council's response will be lodged by the deadline of 17 July 2019.

**RELATED DOCUMENTS**

- MAV Members Brief
- Local Government Bill – A Reform Proposal (Local Government Victoria)

**Attachments**

Nil

**DISCLOSURE OF INTEREST**

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.


**5. CLOSE OF MEETING**

**CITY OF  
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