

LEGISLATIVE COUNCIL
LOCAL GOVERNMENT BILL 2019

(Amendments and New Clauses to be proposed in Committee by Mr DAVIS)

1. Clause 2, page 3, line 19, after this line insert—
 "(2A) Section 362A comes into operation on 1 June 2020."
2. Clause 3, page 6, line 24, after this line insert—
 "(ha) information designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 66(2) and the Council has not passed a resolution that the information is not confidential;"
3. Clause 8, line 21, after this line insert—
 "(5) It is not the role of a Council to advocate or campaign or adopt or implement a policy in relation to any matter that is not related to the functions and powers conferred on a Council by or under this Act or any other Act of Victoria.
 (6) A Council decision made in contravention of subsection (5) is invalid.
 (7) A Council must not use Council resources in contravention of subsection (5).
 Penalty: 60 penalty units."
4. Clause 13, page 30, line 14, after this line insert—
 "(7) The following Councils continue to be constituted in accordance with the **Local Government Act 1989** as in force immediately before the commencement of this section and subsections (1) to (6) of this section and section 15 do not apply—
 (a) Alpine Shire Council;
 (b) Ararat Rural City Council;
 (c) Bass Coast Shire Council;
 (d) Baw Baw Shire Council;
 (e) Benalla Rural City Council;
 (f) Borough of Queenscliffe;
 (g) Buloke Shire Council;
 (h) Campaspe Shire Council;
 (i) Central Goldfields Shire Council;
 (j) Colac Otway Shire Council;

- (k) Corangamite Shire Council;
- (l) East Gippsland Shire Council;
- (m) Gannawarra Shire Council;
- (n) Glenelg Shire Council;
- (o) Golden Plains Shire Council;
- (p) Greater Shepparton City Council;
- (q) Hepburn Shire Council;
- (r) Hindmarsh Shire Council;
- (s) Indigo Shire Council;
- (t) Loddon Shire Council;
- (u) Mansfield Shire Council;
- (v) Mitchell Shire Council;
- (w) Moira Shire Council;
- (x) Moorabool Shire Council;
- (y) Mount Alexander Shire Council;
- (z) Moyne Shire Council;
- (za) Murrindindi Shire Council;
- (zb) Northern Grampians Shire Council;
- (zc) Pyrenees Shire Council;
- (zd) South Gippsland Shire Council;
- (ze) Southern Grampians Shire Council;
- (zf) Strathbogie Shire Council;
- (zg) Swan Hill Rural City Council;
- (zh) Towong Shire Council;
- (zi) Wellington Shire Council;
- (zj) West Wimmera Shire Council;
- (zk) Yarriambiack Shire Council."

NEW CLAUSE

5. Insert the following New Clause to follow clause 20—

"20A Office of Deputy Mayor

- (1) A Council may establish an office of Deputy Mayor.
- (2) If the Council has established an office of Deputy Mayor, the provisions of this Act relating to the office of Deputy Mayor apply."

6. Clause 43, line 24, after "committee" insert ", the Audit and Risk Committee, a Community Asset Committee or any other voluntary committee appointed by a Council,".

NEW CLAUSE

7. Insert the following New Clause to follow clause 61—

"61A Call of the Council

- (1) If a quorum of a Council cannot be formed or maintained due to the absence of Councillors, the Minister or the Chief Executive Officer may require all Councillors to attend a call of the Council meeting.
 - (2) A call of the Council meeting is to be treated as a special meeting.
 - (3) The Minister or a person appointed by the Minister is entitled to attend and speak at a call of the Council meeting which the Minister required Councillors to attend.
 - (4) If a Councillor does not attend within 30 minutes after the time fixed for a call of the Council meeting or remain at the meeting the Chief Executive Officer must immediately advise the Minister in writing.
 - (5) The Minister must advise the Councillor and the Council that—
 - (a) the Minister has received advice that the Councillor did not attend or remain at the call of the Council meeting; and
 - (b) any submissions may be made to the Minister within the period specified by the Minister.
 - (6) If after considering any submissions from the Councillor and the Council the Minister is not satisfied that the Councillor had a reasonable excuse for not attending or remaining at the call of the Council meeting, the Minister may order that as from the date specified in the order the Councillor is incapable of continuing to be a Councillor.
 - (7) The Minister must send a copy of the order to the Council and the Councillor."
8. Clause 240, lines 14 and 15, omit "under section 241 or 243(1)".
 9. Clause 240, lines 18 and 19, omit "under section 242, 243(2) or 244".
 10. Clause 240, page 219, lines 1 to 4, omit subclause (4).
 11. Clause 240, page 219, lines 25 to 32 and page 220, lines 1 to 3, omit subclause (8).
 12. Clause 240, page 220, lines 16 to 34, omit subclauses (11) and (12).
 13. Clause 242, omit this clause.
 14. Clause 243, omit this clause.

NEW CLAUSES

15. Insert the following New Clauses to follow clause 241—

"242 Owner ratepayers entitled to be enrolled without application

- (1) Subject to subsections (2) and (3), a person who as at the close of the roll—
 - (a) is not a person referred to in section 241; and
 - (b) is not less than 18 years of age or is less than 18 years of age but will attain the age of 18 years on or before election day; and
 - (c) is the owner of any rateable property in the municipal district whether solely or jointly with any other person or persons; and
 - (d) is not a resident of the municipal district—
 is entitled as a ratepayer without application to be enrolled on the voters' roll in respect of that rateable property.
- (2) For the purposes of subsection (1), only 2 joint owners are entitled to be enrolled in respect of each rateable property.
- (3) A person is not entitled to be enrolled under subsection (1) if an occupier is enrolled as a ratepayer under section 244 in respect of that rateable property.
- (4) For the purposes of subsection (1), if it appears from the rate records of the Council that there are more than 2 owners of any rateable property, the Chief Executive Officer must enrol without application the 2 owners—
 - (a) whose names appear first on the rate records in relation to that rateable property when those names are read in the order in which they appear in those records; and
 - (b) who satisfy the requirements of paragraphs (b), (c) and (d) of subsection (1) in respect of that rateable property.
- (5) Despite subsection (4), if a written request containing the details required by the regulations is delivered to the Council office before the close of the roll requesting that the owner or 2 owners of the rateable property specified in the request be enrolled on the voters' roll instead of the owner or 2 owners that would otherwise be enrolled by virtue of subsection (4), the Chief Executive Officer must give effect to the request.
- (6) If a person is the owner of more than one rateable property in a municipal district, the person may by a written request containing the details required by the regulations delivered to the Council office before the close of the roll specify the location of the rateable property in respect of which the entitlement under this section is to be exercised.

- (7) If a person is the owner of more than one rateable property in a municipal district and the Council does not receive a written request under subsection (6), the Chief Executive Officer—
- (a) must choose one rateable property in respect of which the entitlement under this section is to be exercised; and
 - (b) may for the purposes of paragraph (a) choose the rateable property which has the highest capital improved value in the council valuation records at the close of the roll.

243 Owner ratepayers may apply for enrolment

- (1) Subject to subsections (2) and (3), a person who as at the close of the roll—
- (a) is not a person referred to in section 241 or 242; and
 - (b) is not less than 18 years of age or is less than 18 years of age but will attain the age of 18 years on or before election day; and
 - (c) is an owner of any rateable property in the municipal district—
- is entitled as a ratepayer to apply to be enrolled on the voters' roll in respect of that rateable property.
- (2) For the purposes of section 241(1) and subsection (1), only 2 joint owners can be enrolled in respect of each rateable property.
- (3) A person is not entitled to apply to be enrolled under subsection (1) if an occupier is enrolled as a ratepayer under section 244 in respect of that rateable property.
- (4) A person who is enrolled on the voters' roll as an owner under this section may renew the enrolment by an application containing the details required by the regulations delivered to the Council office before the close of the roll for the next general election."

- 16. Clause 244, line 3, after "241" insert ", 242 or 243".
- 17. Clause 246, line 4, omit "242" and insert "243".
- 18. Clause 248, page 227, lines 30 to 34 and page 228, lines 1 to 4, omit subclause (2).
- 19. Clause 262, page 240, lines 18 to 20, omit all words and expressions on these lines and insert—

"(b) attendance voting."

NEW CLAUSE

- 20. Insert the following New Clause to follow clause 362—

"362A Amendment of section 158 of the Local Government Act 1989—waste charges

After section 158(4B) of the **Local Government Act 1989** insert—

- "(4C) A Council must provide transparency of the waste component of general rates, service rates and service charges in the notice under subsection (4) by separating the waste charge on the notice under subsection (4).
- (4D) A Council must provide a statement with the rate notice under subsection (4) which specifies—
- (a) the total waste levy paid by the Council in the previous financial year;
 - (b) the estimated waste charges to be paid by the Council in the financial year to which the rate notice relates;
 - (c) the size of landfill levy payments estimated to be made in the financial year to which the notice relates;
 - (d) the amount per tonne of landfill levy to be paid in the financial year to which the notice relates;
 - (e) the amount in tonnes by waste stream estimated to be collected by the Council in the financial year to which the notice relates;
 - (f) the name of the authority that will levy the landfill levy;
 - (g) the name of authority to which the payment of the landfill levy will be made;
 - (h) the total municipal cost and the average cost for each rateable property within the municipal district of the collection, management and administration of each of the four streams of household waste designated by the Government of Victoria, or of any other number of streams of household waste designated in the municipal district.
- (4E) A Council must publish a copy of the statement under subsection (4D) on its Internet website.
- (4F) A Council must publish equivalent information to that specified in subsection (4D) for business and commercial ratepayers on its Internet website."."