

## **LOCAL GOVERNMENT BILL 2019**

### **(Amendments made by the Legislative Council)**

1. Clause 2, page 2, line 12, omit "42" and insert "43".
2. Clause 2, page 2, line 17, omit "Division" and insert "Divisions 6 and".
3. Clause 2, page 2, line 30, after "45," insert "45A,".
4. Clause 2, page 2, line 31, after "63," insert "63A,".
5. Clause 2, page 2, line 32, after "69.5," insert "70A,".
6. Clause 2, page 3, line 11, omit "42" and insert "43".
7. Clause 2, page 3, line 12, after this line insert—  
    "(ca) section 52;".
8. Clause 2, page 3, line 28, omit "to" and insert ", 2, 3, 4, 5, 7 and".
9. Clause 3, page 8, line 17, after "committee" insert ", other than a Community Asset Committee,".
10. Clause 13, page 30, line 3, omit "divided." and insert—  
    "divided; or  
    (c) subject to subsection (5A), an equal number of Councillors elected to represent each ward into which the municipal district is divided.".
11. Clause 13, page 30, line 9, after this line insert—  
    "(5A) A Council must not be constituted in accordance with subsection (4)(c) unless, by notice published in the Government Gazette, the Minister specifies that the Council, or a Council that is a specific type of Council, may be constituted in accordance with subsection (4)(c).".

12. Clause 15, page 31, line 34, omit "district." and insert—
- "district; or
- (d) if a notice has been published in accordance with section 13(5A), specifying—
- (i) the specific Council or the specific type of Council to be constituted in accordance with section 13(4)(c); and
- (ii) the number of wards; and
- (iii) the number of Councillors that are to represent each ward."
13. Clause 16, line 11, omit "or (c)" and insert ", (c) or (d)".
14. Clause 16, page 34, line 31, after this line insert—
- "(ca) subject to the Minister first publishing a notice under section 13(5A) in relation to a Council, or a specific type of Council, whether the municipal district of the Council should be constituted in accordance with section 13(4)(c);".

#### NEW CLAUSES

15. Insert the following New Clauses 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.
- (3) If a Council has not established an office of Deputy Mayor, section 20B applies.
- 20B Acting Mayor**
- (1) A Council may appoint a Councillor to be the Acting Mayor when—
- (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

- (2) An appointment under subsection (1) must be for a period specified by the Council.
- (3) If—
  - (a) an appointment has not been made under subsection (1) or has expired; and
  - (b) any of the circumstances specified in subsection (1)(a), (b) or (c) apply—
 the Council must appoint a Councillor to be the Acting Mayor for a period specified by the Council.
- (4) An Acting Mayor—
  - (a) must perform the role of the Mayor; and
  - (b) may exercise any of the powers of the Mayor—
 until the circumstances specified in subsection (1) no longer apply or the period of the appointment expires, whichever first occurs.
- (5) If an Acting Mayor has been appointed, unless inconsistent with the context or subject matter, a reference in this Act (except in sections 20 and 23, Division 4 of this Part and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor."

- 16. Clause 43, page 55, lines 23 and 24, omit "and member of a delegated committee" and insert ", member of a delegated committee and member of a Community Asset Committee".
- 17. Clause 60, page 71, line 25, after this line insert—
 

"(da) the appointment of an Acting Mayor;".
- 18. Clause 224, page 196, line 18, after "made" insert "in respect of a Councillor to which paragraph (b) applies".
- 19. Clause 224, page 196, lines 21 to 23, omit "the subject of the complaint specified in paragraph (b)".
- 20. Clause 224, page 196, lines 25 to 27, omit "the subject of the complaint specified in paragraph (b)".
- 21. Clause 224, page 196, lines 30 to 32, omit "a Councillor the subject of the complaint specified in paragraph (b)" and insert "the Councillor".

22. Clause 224, page 197, lines 4 and 5, omit "the subject of the complaint specified in paragraph (b)".
23. Clause 224, page 197, lines 6 to 8, omit "a person has made a complaint to the Minister in respect of a Councillor that alleges" and insert "the Minister has reason to believe".
24. Clause 224, page 197, lines 18 to 21, omit all words and expressions on these lines.
25. Clause 225, page 197, line 22, omit "**complaint**" and insert "**Councillor**".
26. Clause 225, page 197, lines 24 and 25, omit "complaint specified in section 224(1)(b)" and insert "Councillor to which section 224(1)(b) applies".
27. Clause 225, page 197, line 29, omit "complaint" and insert "Councillor".
28. Clause 225, page 197, lines 32 and 33, omit "or the complaint under section 224(1)(b)".
29. Clause 226, page 198, line 4, omit "referred complaint" and insert "referral".
30. Clause 226, page 198, line 6, omit "complaint" and insert "referral".
31. Clause 226, page 198, line 17, omit "referred complaint" and insert "referral".
32. Clause 226, page 198, line 22, omit "complaint" and insert "referral".
33. Clause 226, page 199, line 1, omit "complaint" and insert "referral".
34. Clause 226, page 199, line 8, omit "complaint" and insert "referral".
35. Clause 226, page 199, line 25, omit "complaint" and insert "referral".
36. Clause 227, line 6, omit "complaint" and insert "referral".
37. Clause 256, page 234, line 15, omit "(c)" and insert "(b)".
38. Clause 256, page 234, line 24, omit "(c)" and insert "(b)".

39. Clause 262, page 240, lines 18 to 20, omit all words and expressions on these lines and insert—
- "(b) attendance voting."
40. Clause 326, page 294, line 14, after "including" insert "the fixing and payment of any fees by candidates and".
41. Clause 363, page 317, line 2, after this line insert—
- "(1A) In section 181A(1) of the **Local Government Act 1989** after "that rateable land" **insert** ", including climate change adaptation works on the building".
- (1B) After section 181A(1) of the **Local Government Act 1989** **insert**—
- "(1A) For the purposes of subsection (1), *adaptation* and *climate change* have the same respective meanings as they have in section 3 of the **Climate Change Act 2017**."."
42. Clause 363, page 317, line 3, omit "(b) and (c)" and insert "(a), (b) and (c) and (4)".
43. Clause 363, page 317, line 30, after this line insert—
- "(5) Section 181H(2) of the **Local Government Act 1989** is **repealed**."
44. Schedule 1, page 340, line 18, after this line insert—
- "45A Gender Equality Act 2020**
- 45A.1 In the heading to Division 1 of Part 9, for "**Local Government Act 2019**" substitute "**Local Government Act 2020**".
- 45A.2 In section 55, for "**Local Government Act 2019**" substitute "**Local Government Act 2020**"."
45. Schedule 1, page 345, line 18, after this line insert—
- "63A Local Government (Casey City Council) Act 2020**
- 63A.1 In section 3, after "**Local Government Act 1989**" insert "and the **Local Government Act 2020**".

63A.2 In section 10, after "**Local Government Act 1989**" insert  
"or section 257(1) of the **Local Government Act 2020**".

46. Schedule 1, page 345, lines 21 and 22, omit all words and expressions on these lines and insert—

"64.1 In section 3, after "**Local Government Act 1989**" insert "and the  
**Local Government Act 2020**".

64.2 In section 10, after "**Local Government Act 1989**" insert "or  
section 257(1) of the **Local Government Act 2020**".

47. Schedule 1, page 347, line 12, after this line insert—

**"70A Melbourne Strategic Assessment (Environment Mitigation  
Levy) Act 2020**

In section 3, in the definition of *Council*, for "**Local  
Government Act 1989**" substitute "**Local Government  
Act 2020**".

Certified -

Clerk of the Legislative Council