

PARLIAMENT OF VICTORIA

Local Government Amendment (Governance and Integrity) Bill 2024

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PARLIAMENT OF VICTORIA

Introduced in the Assembly

Local Government Amendment (Governance and Integrity) Bill 2024

A Bill for an Act to amend the **Local Government Act 2020** in relation to governance and integrity matters and to make other miscellaneous amendments, to amend the **Local Government Act 1989** to reflect machinery of government changes, to make consequential amendments to the **Victorian Civil and Administrative Tribunal Act 1998** and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- (a) to amend the **Local Government Act 2020**—
 - (i) to provide for ongoing mandatory training for Councillors and Mayors;
and

5

Part 1—Preliminary

- 5
- (ii) to improve the Councillor conduct framework and clarify the responsibilities of Councillors; and
- (iii) to provide for the suspension and disqualification of individual Councillors in certain circumstances; and
- 10
- (iv) to provide further powers to the Chief Municipal Inspector; and
- (v) to make other miscellaneous amendments to that Act; and
- (b) to amend the **Local Government Act 1989** to reflect machinery of government changes; and
- 15
- (c) to make consequential amendments to the **Victorian Civil and Administrative Tribunal Act 1998**.

2 Commencement

- 20
- (1) This Act, other than Division 2 of Part 2 and Part 4, comes into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Division 2 of Part 2 and Part 4 come into operation on 26 October 2024.

3 Principal Act

25

In this Act, the **Local Government Act 2020** is called the Principal Act.

Part 2—Amendment of Local Government Act 2020

Division 1—Amendment of Local Government Act 2020

5 **4 Definitions**

(1) In section 3(1) of the Principal Act, in the definition of *Department*, for "Jobs, Precincts and Regions" **substitute** "Government Services".

10 (2) In section 3(1) of the Principal Act, for the definition of *close of the roll* **substitute**—

"close of the roll means 4 p.m. on the day that is—

 (a) 73 days before an election day occurring after 26 October 2024; or

15 (b) if the day determined under paragraph (a) is a public holiday, the last working day before that day;

Note

20 See also subsection (6) in relation to an election on 26 October 2024."

(3) After section 3(5) of the Principal Act **insert**—

"(6) For the purposes of an election held on the election day that is 26 October 2024, *close of the roll* means 4 p.m. on the day that is—

25 (a) 80 days before 26 October 2024; or

 (b) if the day determined under paragraph (a) is a public holiday, the last working day before that day."

5 Electoral structure review

After section 16(3) of the Principal Act **insert**—

- 5 "(3A) Subject to this section, the Minister may by instrument appoint any person, on the terms and conditions specified in the instrument, to be a member of an electoral representation advisory panel."

6 Qualification to be a Councillor

- 10 (1) In section 34(1)(d) of the Principal Act, after "subsection (2)" **insert** "or (2A)".

- (2) For section 34(2)(i) of the Principal Act **substitute**—

"(i) is the subject of an Order under section 34A; or".

- 15 (3) After section 34(2) of the Principal Act **insert**—

20 "(2A) If more than one adverse decision is made against a person within a period of 8 years, the person is not qualified to be a Councillor of a Council for the period of 4 years from the day on which the second adverse decision is made."

- (4) After section 34(3) of the Principal Act **insert**—

"(4) In this section—

adverse decision means—

- 25 (a) a suspension under section 229A;
 or
 (b) a finding of serious misconduct under section 167."
-

7 New section 34A inserted

After section 34 of the Principal Act **insert**—

"34A Disqualification by Governor in Council

- 5 (1) On the recommendation of the Minister, the Governor in Council, by Order, may disqualify a person from being a Councillor for the specified period if—
- 10 (a) the person was a Councillor during the term of office of a Council that was dismissed under an Act; and
- 15 (b) while the person was a Councillor or at any later time, a Municipal Monitor or a Commission of Inquiry provided a report to the Minister stating that the person—
- 20 (i) was creating a serious risk to the health and safety of Councillors or members of Council staff; or
- (ii) in the person's capacity as a Councillor, was creating a serious risk to the health and safety of other persons; or
- (iii) was preventing the Council from performing its functions.
- 25 (2) For the purposes of subsection (1), the specified period is 8 years from the day on which the Council of which the person was a Councillor was dismissed.
- 30 (3) If the Minister intends to make a recommendation under subsection (1), the Minister must—
- (a) notify the person of that intention in writing; and
-

- (b) consider any response provided by the person within 10 business days.
- 5 (4) If an Order is made under subsection (1), the Minister must provide a copy of the Order to the person disqualified and to the current Council.
- (5) A copy of an Order given to a Council under subsection (4) must be tabled at and recorded in the minutes of the next Council meeting."

10 **8 Suspension of Councillor**

At the end of section 37 of the Principal Act
insert—

- 15 "(2) If a Councillor is suspended under this Act, the following are also suspended for the duration of the Councillor's suspension—
- (a) the examination by the Principal Councillor Conduct Registrar of—
- 20 (i) any application made under section 143 in relation to alleged misconduct by the Councillor; and
- (ii) any application made under section 154 in relation to alleged serious misconduct by the Councillor;
- 25 (b) any internal arbitration process relating to alleged misconduct by the Councillor, including the making of any finding against the Councillor or the imposition of any sanctions on the Councillor under section 147;
- 30

- 5 (c) the consideration, hearing or determination by a Councillor Conduct Panel of any application made under section 154 in relation to alleged serious misconduct by the Councillor.
- (3) Subsection (2) does not prevent—
- 10 (a) the making of an application under section 143 or 154 against the Councillor; or
- (b) the withdrawal of an application made under section 143 or 154 against the Councillor; or
- 15 (c) the Chief Municipal Inspector, by notice under section 166, stopping consideration of a matter the subject of an application against the Councillor."

9 Functions of the Chief Executive Officer

In section 46(4B) of the Principal Act, for "2020" substitute "2020".

10 Restriction on power to sell or exchange land

- 20 (1) In the heading to section 114 of the Principal Act, for "**or exchange**" substitute "**, exchange or transfer without consideration**".
- 25 (2) For section 114(1) of the Principal Act substitute—
- "(1) Except where section 116 applies, a Council must comply with this section if the Council—
- 30 (a) sells land; or
- (b) exchanges land; or
- (c) transfers land without consideration; or
- (d) transfers land for a nominal amount."
-

(3) In section 114(2) of the Principal Act—

- 5
- (a) for "selling or exchanging the land" (where first occurring) **substitute** "dealing with land in a manner described in subsection (1)";
 - (b) for "selling or exchanging" (where secondly occurring) **substitute** "dealing with";
 - (c) for "to the sale or exchange" **substitute** "to dealing with the land".

10 **11 New section 147AA inserted**

After section 147 of the Principal Act **insert**—

"147AA Suspension of matters during election period

- 15
- (1) Applications made and internal arbitration processes conducted under this Division must be suspended during the election period for a general election.
 - (2) If an application is made for an internal arbitration process to make a finding of misconduct against a person who is a Councillor before a general election, and the person is not returned to the office of Councillor as a result of the general election, the application lapses.
 - 20
 - (3) If an application is made for an internal arbitration process to make a finding of misconduct against a person who is a Councillor before a general election, and the person is returned to the office of Councillor as a result of the general election—
25
 - 30
 - (a) the suspension of the application ends;
and

- 5 (b) the application must be dealt with under this Division whether or not any applicant who is a Councillor before the general election is returned to the office of Councillor as a result of the general election."

12 Functions and powers of the Principal Councillor Conduct Registrar

10 For section 149(3) of the Principal Act **substitute—**

"(3) Without limiting subsection (2), the Principal Councillor Conduct Registrar may do any of the following—

- 15 (a) request information from a Council that the Principal Councillor Conduct Registrar considers necessary to make a determination under section 155(1)(c);
- 20 (b) disclose information regarding a matter being considered by a Councillor Conduct Panel to a Municipal Monitor or a Commission of Inquiry for the purposes of section 181D(3) or 220A(4)."

13 New section 149A inserted

25 After section 149 of the Principal Act **insert—**

"149A Delegation by Principal Councillor Conduct Registrar

30 The Principal Councillor Conduct Registrar, by instrument, may delegate to any person employed under Part 3 of the **Public Administration Act 2004** any function or power of the Principal Councillor Conduct Registrar under this Act, other than this power of delegation."

14 Dissolution of Councillor Conduct Panels

After section 164(c) of the Principal Act **insert**—

5 "(ca) the Minister has stopped the consideration of the matter by the Councillor Conduct Panel;"

15 New section 166A inserted

After section 166 of the Principal Act **insert**—

"166A Matter already dealt with by Municipal Monitor or Commission of Inquiry

10 The Minister, by written notice, may require a Councillor Conduct Panel to stop the consideration of a matter if—

 (a) the Minister receives a notice referred to in section 181D(3) or 220A(4); and

15 (b) the notice indicates that the Councillor Conduct Panel is considering the matter; and

 (c) the Minister intends to suspend a Councillor under section 229A; and

20 (d) the Councillor is the subject of the application for which the Councillor Conduct Panel was formed."

16 Application for compliance exemption

25 In section 177(1) of the Principal Act, for "under this Act or the regulations" **substitute** "in the regulations (including any regulations made under the **City of Melbourne Act 2001**)".

- 5 (2) A person who has provided information to a Municipal Monitor on request is not subject to any criminal, civil, administrative or disciplinary proceeding only because the person complied with the request.

181B Information provided to Municipal Monitor

- 10 (1) Information to which client legal privilege applies does not cease to be the subject of client legal privilege only because it is provided to a Municipal Monitor.
- 15 (2) A Municipal Monitor must not disclose information provided to the Municipal Monitor and to which client legal privilege applies except in accordance with subsection (3).
- 20 (3) A Municipal Monitor may disclose information provided to the Municipal Monitor and to which client legal privilege applies if the disclosure is to the Minister or to an integrity body within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**.

181C Adverse findings

- 25 (1) If a Municipal Monitor proposes to include in a report to the Minister (other than a report under section 226) a finding that is adverse to a person, the Municipal Monitor must provide the person with—
- 30 (a) details of the proposed finding; and
(b) an opportunity to respond to the proposed finding in writing.

- 5
- (2) A Municipal Monitor must consider any response under subsection (1)(b) before including the proposed finding in a report to the Minister.
- (3) If a Municipal Monitor includes in a report to the Minister a finding that is adverse to a person, the Municipal Monitor must fairly set out any response under subsection (1)(b) in the report.

10 **181D Further requirements for certain findings**

- 15
- (1) If a report to the Minister (other than a report under section 226) is to include a finding specified in subsection (2), the Municipal Monitor must provide an advance copy of the report to the Principal Councillor Conduct Registrar.
- (2) For the purposes of subsection (1), the specified findings are the following—
- 20
- (a) that a Councillor is creating a serious risk to the health and safety of Councillors or members of Council staff;
- (b) that a Councillor, in their capacity as a Councillor, is creating a serious risk to the health and safety of other persons;
- 25
- (c) that a Councillor is preventing the Council from performing its functions.
- (3) The Principal Councillor Conduct Registrar, as soon as practicable after receiving a report under subsection (1), must give written notice to the Municipal Monitor of any matter that—
- 30
- (a) is being considered by a Councillor Conduct Panel; and
-

(b) appears to be dealt with in the report by the Municipal Monitor.

- 5 (4) If a Municipal Monitor receives written notice under subsection (3), the Municipal Monitor must ensure that the report given to the Minister is accompanied by a copy of that notice.

181E Immunity of Municipal Monitor

- 10 (1) A Municipal Monitor is not personally liable for anything done or omitted to be done in good faith—
- 15 (a) in the exercise of a power or the discharge of a duty under this Act; or
- (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act.
- 20 (2) Any liability resulting from an act or omission that would, but for subsection (1), attach to a Municipal Monitor attaches instead to the Council."

20 New section 183A inserted

After section 183 of the Principal Act **insert**—

"183A Advice to Ministers

- 25 (1) The Chief Municipal Inspector, in connection with performing functions under this Act, may provide advice in relation to a Council to any Minister responsible for administering a provision of this Act.
- 30 (2) A Minister who receives advice in relation to a Council under subsection (1) may have regard to that advice in administering a provision of this Act or any other Act in relation to that Council."
-

21 New sections 199AA to 199AAC inserted

After section 199 of the Principal Act **insert—**

"199AA Chief Municipal Inspector may report to Parliament

- 5 (1) The Chief Municipal Inspector may cause to be transmitted to each House of the Parliament a report on the examination or investigation of—
- 10 (a) any matter relating to a Council's operations or to Council elections or electoral matters; or
- (b) any possible breach of this Act.
- 15 (2) If the Chief Municipal Inspector proposes to include in a report under subsection (1) a comment or opinion that is adverse to any person, the Chief Municipal Inspector must—
- 20 (a) provide the person with a reasonable opportunity to respond to the adverse comment or opinion; and
- (b) fairly set out each element of the response in the report.
- 25 (3) The Chief Municipal Inspector must not include in a report under subsection (1) any information that—
- 30 (a) would prejudice a criminal proceeding or any other proceeding; or
- (b) would prejudice an investigation by the IBAC, the Ombudsman or the Victorian Inspectorate; or
- (c) would identify a person who is not the subject of an adverse comment or opinion of the Chief Municipal Inspector, unless the Chief Municipal
-

Inspector considers that it is in the public interest to do so; or

(d) is likely to lead to the identification of a person who has made an assessable disclosure.

5

(4) If the Chief Municipal Inspector proposes to transmit a report under subsection (1), the Chief Municipal Inspector must ensure that, at least one business day before the report is so transmitted, each of the following persons receives an advance copy of the report—

10

(a) the Secretary;

(b) the Minister;

(c) any other Minister with responsibilities that relate to the subject matter of the report.

15

199AAB Tabling of report to Parliament

(1) If the Chief Municipal Inspector proposes transmission of a report under section 199AA when neither House of the Parliament is sitting, the Chief Municipal Inspector must—

20

(a) provide at least one business day's notice of the proposal to the clerk of each House; and

25

(b) provide the report to the clerk of each House on the day specified in the notice.

(2) The clerk of each House of the Parliament must—

30

(a) on the same day that the clerk receives a notice under subsection (1)(a), notify each member of the House of that notice; and

- 5 (b) as soon as practicable after the clerk receives a report under subsection (1)(b), make copies of the report available for each member of the House; and
- (c) cause the report to be tabled in the House on the next sitting day of the House.
- 10 (3) A report provided to the clerk of a House under subsection (1)(b) is taken to have been published by order, or under the authority, of the Parliament.
- 15 (4) The publication of a report under this section is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975** and any other enactment or rule of law relating to the publication of the proceedings of Parliament apply to and in relation to that publication as if—
- 20 (a) it were a document to which those sections applied; and
- (b) it had been published by the Government Printer under the authority of the Parliament.

25 **199AAC Infringements**

- 30 (1) The Chief Municipal Inspector may serve an infringement notice on any person whom the Chief Municipal Inspector reasonably believes has committed an offence against this Act or the regulations that is prescribed for the purposes of this subsection.
- 35 (2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.
-

(3) The infringement penalty for an offence referred to in subsection (1) is the prescribed infringement penalty."

22 Appointment of Commission of Inquiry

5 Section 200(3) of the Principal Act is **repealed**.

23 Services to support Commission of Inquiry

In section 202(1) of the Principal Act, after "any" **insert** "persons, including".

24 Power to serve a written notice

10 After section 206(1) of the Principal Act **insert**—

"(1A) A person on whom a written notice is served may make a claim to the Commission of Inquiry that the person has a reasonable excuse not to comply with the notice.

15 (1B) Without limiting what may be a reasonable excuse for the purposes of subsection (1A), a person has a reasonable excuse not to comply with a written notice if—

20 (a) the person is an individual and compliance might tend to incriminate the person or make the person liable to a penalty in relation to—

25 (i) an offence with which the person has been charged and for which a proceeding is on foot; or

(ii) a proceeding that is on foot for the imposition or recovery of a penalty; or

(b) the information requested is—

30 (i) subject to parliamentary privilege or public interest immunity; or

(ii) prohibited from disclosure by a court order.

- 5 (1C) A person does not have a reasonable excuse not to comply with a written notice only because—
- (a) the information requested is the subject of client legal privilege; or
- (b) another enactment—
- 10 (i) prohibits the person from providing the information; or
- (ii) imposes a duty of confidentiality on the person with respect to the information.
- 15 (1D) If a Commission of Inquiry is satisfied of a reasonable excuse not to comply with a written notice, the Commission of Inquiry, by further written notice, may vary or revoke the initial written notice.
- 20 (1E) Information to which client legal privilege applies does not cease to be the subject of client legal privilege only because it is provided to a Commission of Inquiry in response to a written notice.
- 25 (1F) A person who has provided information to a Commission of Inquiry in response to a written notice cannot be subject to any criminal, civil, administrative or disciplinary proceeding only because the person complied with the notice."

25 Restriction on publication of information relating to inquiries

30 In section 212(1)(b) of the Principal Act, after "given to" **insert** "or produced by".

26 New section 220A inserted

After section 220 of the Principal Act **insert**—

"220A Report of Commission of Inquiry

- 5
- (1) A Commission of Inquiry must provide a written report to the Minister by the date specified by the Minister.
- (2) A report under subsection (1) may include a finding that a Councillor—
- 10
- (a) is creating a serious risk to the health and safety of Councillors or members of Council staff; or
- (b) in the Councillor's capacity as a Councillor, is creating a serious risk to the health and safety of other persons;
- 15
- or
- (c) is preventing the Council from performing its functions.
- (3) If a report under subsection (1) is to include a finding specified in subsection (2), the Commission of Inquiry must provide an advance copy of the report to the Principal Councillor Conduct Registrar.
- 20
- (4) The Principal Councillor Conduct Registrar, as soon as practicable after receiving a report under subsection (3), must give written notice to the Commission of Inquiry of any matter that—
- 25
- (a) is being considered by a Councillor Conduct Panel; and
- 30
- (b) appears to be dealt with in the report by the Commission of Inquiry.
-

- 5 (5) If a Commission of Inquiry receives written notice under subsection (4), the Commission of Inquiry must ensure that its report under subsection (1) is accompanied by a copy of that notice."

27 Tabling of report of Commission of Inquiry

- 10 (1) In section 221 of the Principal Act, for "section 200(3)" **substitute** "section 220A".
- (2) At the end of section 221 of the Principal Act **insert**—
- "(2) If the Minister proposes tabling of a report under subsection (1) when neither House of the Parliament is sitting, the Minister must—
- 15 (a) provide at least one business day's notice of the proposal to the clerk of each House; and
- (b) provide the report to the clerk of each House on the day specified in the notice.
- 20 (3) The clerk of each House of the Parliament must—
- (a) on the same day that the clerk receives a notice under subsection (2)(a), notify each member of the House of that
- 25 notice; and
- (b) as soon as practicable after the clerk receives a report under subsection (2)(b), make copies of the report available for each member of the
- 30 House; and
- (c) cause the report to be tabled in the House on the next sitting day of the House.
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- 5
- (4) A report provided to the clerk of a House under subsection (2)(b) is taken to have been published by order, or under the authority, of the Parliament.
- 10
- (5) The publication of a report under this section is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975** and any other enactment or rule of law relating to the publication of the proceedings of Parliament apply to and in relation to that publication as if—
- 15
- (a) it were a document to which those sections applied; and
 - (b) it had been published by the Government Printer under the authority of the Parliament."

28 Councillor may be ordered to stand down

In section 228(2)(b) of the Principal Act, for "under section 226" **substitute** "under this Part".

20 **29 Heading to Division 6A of Part 7 substituted**

For the heading to Division 6A of Part 7 of the Principal Act **substitute**—

"Division 6A—Standing down of Councillor charged with offence".

25 **30 Standing down of Councillor by VCAT**

For section 229 of the Principal Act **substitute**—

"229 Standing down of Councillor charged with offence

- 30
- (1) If a Councillor is charged with an offence specified in subsection (2), the Councillor is stood down until an outcome specified in subsection (5) occurs.
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- (2) For the purposes of subsection (1), the specified offences are the following—
 - (a) an offence against this Act for which the maximum penalty is at least 120 penalty units or a period of imprisonment of at least 12 months;
 - (b) an offence against a law of Victoria, or a law of another State, a Territory or the Commonwealth, that is punishable by a period of imprisonment of at least 2 years for a first conviction.
 - (3) If a Councillor is stood down under subsection (1), the Councillor—
 - (a) must give written notice of that fact to the Chief Executive Officer of the Council immediately on becoming aware of that fact; and
 - (b) must not perform the functions and duties or exercise the powers of a Councillor; and
 - (c) must not attend any meetings of the Council, any delegated committee meetings or any Council premises.
 - (4) If a Councillor is stood down under subsection (1), their allowance must be withheld.
 - (5) A Councillor is no longer stood down under subsection (1) if—
 - (a) the charge is withdrawn; or
 - (b) all proceedings in respect of the charge (including any appeal) are finally determined.
-

- 5 (6) A Councillor who is no longer stood down under subsection (1) is entitled to their allowance, including any allowance previously withheld under subsection (4), unless the Councillor is convicted of the offence."

31 New sections 229A and 229B inserted

Before section 230 of the Principal Act **insert—**

"229A Suspension of individual Councillors

- 10 (1) Subject to subsection (2), the Minister may suspend a Councillor for a period not exceeding 12 months if—
- 15 (a) a Municipal Monitor or a Commission of Inquiry has provided a report to the Minister stating that the Councillor—
- (i) is creating a serious risk to the health and safety of Councillors or members of Council staff; or
- 20 (ii) in the Councillor's capacity as a Councillor, is creating a serious risk to the health and safety of other persons; or
- (iii) is preventing the Council from performing its functions; and
- 25 (b) the Minister is satisfied that the Councillor—
- (i) is creating a serious risk to the health and safety of Councillors or members of Council staff; or
- 30 (ii) in the Councillor's capacity as a Councillor, is creating a serious risk to the health and safety of other persons; or
-

- 5
- (iii) is preventing the Council from performing its functions; and
- (c) the Minister is satisfied that—
- (i) the Councillor has not been the subject of a determination under section 167 in respect of conduct specified in the report; and
- 10 (ii) no Councillor Conduct Panel is considering a matter that is dealt with in the report.
- (2) If the Minister intends to suspend a Councillor under subsection (1), the Minister must—
- 15 (a) notify the Councillor of that intention in writing; and
- (b) consider any response provided by the Councillor within 10 business days.
- 20 (3) If the Minister suspends a Councillor under subsection (1), the Minister must provide a copy of the decision to the Councillor and to the Council.
- 25 (4) A copy of a decision given to a Council under subsection (3) must be tabled at and recorded in the minutes of the next Council meeting.

229B Ineligibility following suspension

A Councillor suspended under section 229A is, for the remainder of the Council's term, ineligible to do the following—

- 30 (a) hold the office of Mayor or Deputy Mayor;
- (b) chair a delegated committee of the Council."
-

32 Restructuring advisory panels

After section 239(1) of the Principal Act **insert—**

5 "(1A) The Minister may by instrument appoint any person, on the terms and conditions specified in the instrument, to be a member of a restructuring advisory panel."

33 Return by candidate

(1) At the foot of section 306(1) of the Principal Act **insert—**

10 "Penalty: 60 penalty units."

(2) Section 306(6)(a) of the Principal Act is **repealed**.

34 New section 330C inserted

After section 330B of the Principal Act **insert—**

15 "**330C Transitional provision—Local Government Amendment (Governance and Integrity) Act 2024—suspension of matters during election period**

20 Section 147AA, as inserted by section 11 of the **Local Government Amendment (Governance and Integrity) Act 2024**, applies with respect to an application made or an internal arbitration process conducted before the commencement of section 11 of the **Local Government Amendment (Governance and Integrity) Act 2024** as if section 147AA were in operation at the time the application was made or the internal arbitration process was conducted."

25

Division 2—Further amendment of Local Government Act 2020

35 Definitions

- 5 (1) In section 3(1) of the Principal Act **insert** the following definitions—
- "*Councillor induction training* means the training specified in section 32;
- Mayoral training* means the training specified in section 27A;
- 10 *professional development training* means the training specified in section 33A;"
- (2) In section 3(1) of the Principal Act—
- (a) **insert** the following definition—
- 15 "*Model Councillor Code of Conduct* means the Code of Conduct prescribed in accordance with section 139;"
- (b) in the definition of *misconduct*, for "standards of conduct" **substitute** "Model Councillor Code of Conduct";
- 20 (c) the definitions of *Councillor Code of Conduct* and *standards of conduct* are **repealed**.

36 Role of the Mayor

- 25 (1) For section 18(1)(e) of the Principal Act **substitute**—
- "(e) promote behaviour among Councillors that is consistent with the Model Councillor Code of Conduct; and".

(2) After section 18(2) of the Principal Act **insert**—

"(3) To avoid doubt, reasonable steps taken by a Mayor carried out in a reasonable manner to perform their role in accordance with subsection (1)(e) or (f) is not bullying."

5

37 When does the office of Mayor become vacant?

In section 20(e) of the Principal Act, after "decision by" **insert** "an arbiter or".

38 When does the office of Deputy Mayor become vacant?

10

In section 22(f) of the Principal Act, after "decision by" **insert** "an arbiter or".

39 Election of Mayor

In section 25(2) of the Principal Act, for "section 167" **substitute** "sections 147 and 167".

15

40 New Division 4A of Part 2 inserted

After Division 4 of Part 2 of the Principal Act **insert**—

"Division 4A—Mayoral training

20

27A Mayoral training

(1) A Mayor and any Deputy Mayor or Acting Mayor must complete Mayoral training—

25

- (a) in the case of the Mayor or a Deputy Mayor, within one month after their election as Mayor or Deputy Mayor; or
- (b) in the case of an Acting Mayor, within one month of their appointment.

30

(2) Subsection (1) applies whether or not the Mayor, Deputy Mayor or Acting Mayor has been re-elected or ever held the office before.

- 5
- 10
- 15
- 20
- 25
- 30
- (3) Despite subsection (1), an Acting Mayor is not required to complete Mayoral training if—
 - (a) their appointment as Acting Mayor is for less than one month; or
 - (b) at any time in the preceding 12 months they have completed Mayoral training.
 - (4) A Mayor, Deputy Mayor or Acting Mayor (as the case requires) must make a written declaration before the Chief Executive Officer after completing Mayoral training that—
 - (a) states that the Mayor, Deputy Mayor or Acting Mayor has completed the training; and
 - (b) is dated and signed.
 - (5) The Chief Executive Officer must—
 - (a) ensure that the Mayoral training is available to be taken within the relevant period specified in subsection (1) for a Mayor, Deputy Mayor or Acting Mayor; and
 - (b) provide reasonable assistance to a Mayor, Deputy Mayor or Acting Mayor to enable them to access the Mayoral training.
 - (6) The Mayoral training must be conducted in the prescribed manner and address any prescribed matters.
- 27B Failure to take Mayoral training and make declaration**
- (1) If a Mayor, Deputy Mayor or Acting Mayor (as the case requires) fails to take or complete the Mayoral training and make a
-

written declaration, the allowance of the Mayor, Deputy Mayor or Acting Mayor is withheld until they have—

- 5
- (a) completed the training as required by section 27A(1); and
 - (b) made the written declaration as required by section 27A(4).
- 10
- (2) A Mayor, Deputy Mayor or Acting Mayor (as the case requires) is entitled to receive any allowance that is withheld under subsection (1) after the Mayor, Deputy Mayor or Acting Mayor—
- (a) takes or completes the Mayoral training; and
 - 15 (b) makes a written declaration as required by section 27A(4).".

41 Role of a Councillor

- (1) In section 28(1) of the Principal Act—
- 20 (a) for "Councillor is" **substitute** "Councillor in representing their municipal community includes the following";
 - (b) in paragraphs (a) and (b) **omit** "and".
- (2) In section 28(2)(e) of the Principal Act, for
- 25 "standards of conduct" **substitute** "Model Councillor Code of Conduct".

42 Councillor induction training

- (1) In section 32(1) of the Principal Act, for
- "6 months" **substitute** "4 months".
- (2) After section 32(4) of the Principal Act **insert**—
- 30 "(4A) If a Councillor is unable to take or complete Councillor induction training because of a leave of absence, the Councillor must take or
-

complete the training within one month after returning from leave."

43 New sections 33A and 33B inserted

After section 33 of the Principal Act **insert**—

5

"33A Regular professional development training of Councillors

10

(1) A Councillor must complete professional development training annually to ensure that the Councillor understands their role and responsibilities.

15

- (2) Subsection (1) applies—
- (a) to each Councillor elected at a general election; and
 - (b) to any Councillor elected to fill an extraordinary vacancy; and
 - (c) whether or not the Councillor has been re-elected or ever been a Councillor before.

20

(3) For the purposes of complying with subsection (1), a Councillor—

25

(a) elected at a general election must undertake professional development training—

30

- (i) at least once each year of their term beginning in the first full calendar year after the Councillor is elected; and
 - (ii) within the prescribed period, or by the prescribed day, in each year of their term beginning in the first full calendar year after the Councillor is elected; and
-

- 5
- (b) elected to fill an extraordinary vacancy must undertake professional development training—
- (i) at least once each year of their term beginning in the first full calendar year after the Councillor is elected; and
- 10
- (ii) within the prescribed period, or by the prescribed day, in each year of their term beginning the year after the year the Councillor completes Councillor induction training.
- 15
- (4) A Councillor must make a written declaration before the Chief Executive Officer after completing the professional development training that—
- (a) states that the Councillor has completed the professional development training; and
- 20
- (b) is dated and signed.
- (5) For the purposes of subsection (1), the Chief Executive Officer must—
- 25
- (a) ensure that the professional development training is available to be undertaken annually within the period, or by the day, prescribed for the purposes of subsection (3); and
- (b) provide reasonable assistance to a Councillor to enable them to access the professional development training.
- 30
- (6) If a Councillor is unable to take or complete professional development training because of a leave of absence, the Councillor must take or complete the training within one month after returning from leave.
- 35
-

- (7) The professional development training must be conducted in the prescribed manner and address any prescribed matters.

33B Failure to take professional development training and make declaration

5

- (1) If a Councillor fails to take or complete the professional development training and make a written declaration, the Councillor's allowance is withheld until the Councillor has—

10

- (a) completed the training as required by section 33A; and
(b) made the written declaration as required by section 33A(4).

15

- (2) A Councillor is entitled to receive any allowance that is withheld under subsection (1) after the Councillor—

20

- (a) takes or completes the professional development training; and
(b) makes a written declaration as required by section 33A(4)."

44 Suspension of Councillor

In section 37(3)(c) of the Principal Act, for "section 166" **substitute** "section 146A or 166".

25

45 Indemnity provision

- (1) For the heading to section 43 of the Principal Act **substitute**—

"Indemnity for Councillors—general".

30

- (2) In section 43 of the Principal Act, for "A Council" **substitute** "Subject to section 43A, a Council".
-

46 New section 43A inserted

After section 43 of the Principal Act **insert—**

"43A Indemnity for Councillors—legal costs

- 5 (1) Subject to subsection (2), a Council must not indemnify a Councillor for legal costs incurred by the Councillor as a result of—
- (a) an application made under section 143 or 154; or
- 10 (b) a process or proceeding relating to—
- (i) an application made under section 143 or 154; or
- (ii) a decision or determination made under section 147 or 167.
- 15 (2) A Council may indemnify a Councillor for costs incurred by the Councillor to obtain representation considered necessary under section 141(2)(c) or 163(2)(b).".

47 New Division 9 of Part 2 inserted

20 After Division 8 of Part 2 of the Principal Act **insert—**

"Division 9—Council policies relating to good governance

25 **54A Council required to develop, adopt and maintain policies relating to good governance**

A Council must develop, adopt and maintain policies in relation to good governance on any prescribed matters to support a Councillor to perform their role in accordance with section 28.".

30

48 Public access to summary of personal interests

For section 135(3)(a) of the Principal Act
substitute—

- 5 "(a) publish the summary of personal interests on
the Council's Internet site within 45 days
after the following—
- (i) an initial personal interests return is due
to be lodged;
 - 10 (ii) a biannual personal interests return is
due to be lodged; and".

49 Sections 139 and 140 substituted

For sections 139 and 140 of the Principal Act
substitute—

"139 Model Councillor Code of Conduct

- 15 (1) Councillors must observe the Model
Councillor Code of Conduct.
- 20 (2) The purpose of the Model Councillor Code
of Conduct is to include the standards of
conduct expected to be observed by
Councillors in the course of performing their
duties and functions as Councillors,
including prohibiting discrimination,
harassment (including sexual harassment)
and vilification.
- 25 (3) The Model Councillor Code of Conduct
must—
- (a) be prescribed; and
 - (b) include—
 - 30 (i) standards of conduct to be
observed by Councillors; and
 - (ii) matters directed at ensuring
consistent standards of behaviour
are observed across Councils.
-

(4) A Council must publish the prescribed Model Councillor Code of Conduct on its Internet site.

140 Council required to implement prescribed procedures

For the purposes of ensuring good governance and standards of conduct are observed and maintained by a Council, the Council must implement and adopt any prescribed procedures in relation to dealing with alleged breaches of the Model Councillor Code of Conduct."

50 Internal arbitration process

In section 141(1) of the Principal Act, for "standards of conduct" **substitute** "Model Councillor Code of Conduct".

51 Application for an internal arbitration process

(1) After section 143(3) of the Principal Act **insert**—

"(3A) For the purposes of subsection (3), an application under this section is made when it is received by the Principal Councillor Conduct Registrar."

(2) After section 143(4) of the Principal Act **insert**—

"(5) If an application is made under this section by the Council or a group of Councillors, the application must state the name and address of the Councillor whom the Council or the group of Councillors has appointed as representative of the Council or the group of Councillors."

52 Principal Councillor Conduct Registrar must examine application

(1) Before section 144(1) of the Principal Act **insert—**

5 "(1AA) Subject to section 144A, the Principal Councillor Conduct Registrar must examine an application made under section 143."

(2) In section 144(1) of the Principal Act—

10 (a) for "The Principal" **substitute** "Subject to subsections (1A) and (1B), the Principal";

(b) in paragraph (b)—

 (i) before "Councillor Code" **insert** "Model";

15 (ii) for "application." **substitute** "application; and";

(c) after paragraph (b) **insert—**

 "(c) the Council—

20 (i) has taken sufficient or appropriate steps to resolve the matter and the matter remains unresolved; or

 (ii) has not taken any steps to resolve the matter but the reason for that is adequate."

(3) After section 144(1) of the Principal Act **insert—**

25 "(1A) If the Principal Councillor Conduct Registrar is satisfied as to the matters specified in subsection (1) in respect of an application returned by an arbiter under section 144A(2)(b), the Principal Councillor
30 Conduct Registrar must appoint a different arbiter to hear the application.

- 5 (1B) If the Principal Councillor Conduct Registrar is satisfied that the matter the subject of an application has been or is being dealt with, or would more appropriately be dealt with, by the Council or another person or body (including an arbiter already appointed or a Councillor Conduct Panel already formed), the Principal Councillor Conduct Registrar may—
- 10 (a) reject the application; or
(b) refer the matter back to the Council; or
(c) refer the matter to that other person or body."

- 15 (4) For section 144(2) of the Principal Act **substitute**—

20 "(2) Subject to subsection (1B), the Principal Councillor Conduct Registrar must reject an application, or refer a matter the subject of an application back to the Council, if the Principal Councillor Conduct Registrar is not satisfied as to the matters specified in subsection (1)."

- 25 (5) In section 144(3) of the Principal Act, after "rejection of an application" **insert** ", or the referral of a matter the subject of an application back to the Council or to another person or body,".

53 New sections 144A and 144B inserted

30 After section 144 of the Principal Act **insert**—
"144A Related applications

- (1) If the Principal Councillor Conduct Registrar receives an application (a ***subsequent application***) that appears to involve the same parties as another application for which an
-

arbiter has already been appointed, the Principal Councillor Conduct Registrar must—

- 5
- (a) forward the subsequent application directly to the arbiter; or
- (b) reject the subsequent application if the Principal Councillor Conduct Registrar considers that the application is frivolous, vexatious, misconceived or lacking in substance.
- 10
- (2) On receipt of the subsequent application, the arbiter must decide, based on the subject matter of the subsequent application, either—
- 15
- (a) to join the subsequent application to the application that the arbiter was appointed to hear; or
- (b) to return the subsequent application to the Principal Councillor Conduct Registrar without hearing it.
- 20
- (3) If the arbiter returns the subsequent application to the Principal Councillor Conduct Registrar under subsection (2)(b), the Principal Councillor Conduct Registrar must examine the subsequent application in accordance with section 144.
- 25

144B Reimbursement by Council

30

A Council must reimburse the State for the remuneration costs associated with the appointment of an arbiter to hear an application made under section 143 against any of its Councillors."

54 New sections 145A and 145B inserted

After section 145 of the Principal Act **insert**—

"145A Procedures

- 5 (1) An arbiter may do any or all of the following—
- (a) request a person to attend a hearing and answer questions;
- 10 (b) request information from the applicant, the respondent or the Council, including confidential information held by the Council;
- 15 (c) direct a Councillor who is the applicant or the respondent to attend a hearing or provide information, including confidential information held by the Councillor.
- (2) An arbiter who is provided with confidential information must ensure that the information is not released to the public.

20 **145B Obligation on Council**

A Council must provide all reasonable assistance to an arbiter that is necessary to enable the arbiter to conduct an internal arbitration process."

25 **55 Arbiter must refer certain applications**

- (1) In section 146(1) of the Principal Act—
- (a) **omit** "and would more appropriately be dealt with as an application under section 154";
- 30 (b) for "the Principal Councillor Conduct Registrar" **substitute** "the Chief Municipal Inspector".

(2) For section 146(2) of the Principal Act
substitute—

- 5 "(2) If the arbiter refers a matter under subsection
 (1), the arbiter must notify the Principal
 Councillor Conduct Registrar and the parties
 to the application of that referral.
- 10 (3) Subject to section 146A, if the arbiter refers
 a matter under subsection (1) before or
 during the hearing of the application, the
 arbiter may continue to hear the
 application."

56 New section 146A inserted

After section 146 of the Principal Act **insert—**

15 "**146A Investigation or application by Chief
 Municipal Inspector**

- (1) The Chief Municipal Inspector, by notice,
 may require an arbiter to suspend or stop the
 consideration of a matter at any time,
 whether or not the Chief Municipal Inspector
20 has received a referral under section 146.
- (2) Within 28 days of the Chief Municipal
 Inspector requiring an arbiter to suspend or
 stop consideration of a matter, the Chief
 Municipal Inspector must—
- 25 (a) investigate the matter; or
- (b) make an application under section 154
 with respect to the matter."

**57 Sanctions that may be imposed by an arbiter on
finding of misconduct**

- 30 (1) In section 147(1) of the Principal Act, for
 "standards of conduct" **substitute**
 "Model Councillor Code of Conduct".
-

(2) In section 147(2) of the Principal Act—

(a) in paragraph (b), for "one month" **substitute** "3 months";

5

(b) in paragraph (e), for "arbiter." **substitute** "arbiter;"

(c) after paragraph (e) **insert**—

10

"(f) direct that the Councillor is not to attend or participate in a Council meeting specified by the arbiter that occurs after the meeting at which the decision and statement of reasons are tabled under subsection (4);

15

(g) direct that the Councillor is ineligible to hold the office of Mayor or Deputy Mayor for a period specified by the arbiter not exceeding 12 months."

(3) For section 147(4) of the Principal Act **substitute**—

20

"(4) Subject to subsection (5), a copy of the arbiter's decision and statement of reasons received by the Council under subsection (3) must be tabled at and recorded in the minutes of—

25

(a) a Council meeting specified by the arbiter; or

(b) if no Council meeting is specified by the arbiter, the next Council meeting after the Council receives a copy of the decision and statement."

30

58 Functions and powers of the Principal Councillor Conduct Registrar

In section 149(3) of the Principal Act—

(a) in paragraph (a), for "section 155(1)(c)" **substitute** "section 144(1)(c) or 155(1)(c)";

(b) after paragraph (a) **insert**—

5 "(ab) request information from a Council or another person or body that the Principal Councillor Conduct Registrar considers necessary to make a determination under section 144(1B) or 155(2);

10 (ac) disclose information in an application made under section 143 or 154 to a person or body that the Principal Councillor Conduct Registrar is satisfied under section 144(1B) or 155(2) is dealing with or would more appropriately deal with the matter the subject of the application;"

15

59 Application to Councillor Conduct Panel

After section 154(3) of the Principal Act **insert**—

20 "(3A) For the purposes of subsection (3), an application under subsection (2) is made when it is received by the Principal Councillor Conduct Registrar.

25 (3B) An application that alleges serious misconduct by a Councillor constituted by bullying of another Councillor or a member of Council staff must not allege behaviour by the Councillor that is not alleged to have occurred within the previous 12 months."

60 Principal Councillor Conduct Registrar must examine application

30 (1) Before section 155(1) of the Principal Act **insert**—

"(1AA) Subject to section 157, the Principal Councillor Conduct Registrar must examine an application made under section 154."

- 5
- (2) In section 155(1) of the Principal Act—
- (a) for "subsection (2)" **substitute** "subsections (1B) and (2)";
 - (b) for "form a Councillor Conduct Panel to hear the matter" **substitute** "take the action required under subsection (1A)".
- 10
- (3) After section 155(1) of the Principal Act **insert**—
- "(1A) For the purposes of subsection (1), the action required is the following—
- (a) for an application that alleges serious misconduct specified in paragraph (h) or (i) of the definition of *serious misconduct* in section 3(1)—
 - 15 (i) to provide a copy of the application to the Chief Municipal Inspector; and
 - (ii) to form a Councillor Conduct Panel to hear the matter the subject of the application;
 - 20 (b) for any other application, to form a Councillor Conduct Panel to hear the matter the subject of the application.
- 25
- (1B) If the Principal Councillor Conduct Registrar is satisfied as to the matters specified in subsection (1) in respect of an application returned by a Councillor Conduct Panel under section 157(2)(b), the Principal Councillor Conduct Registrar must form, to hear the matter the subject of the application, a Councillor Conduct Panel that does not
- 30
- include any of the members of the Councillor Conduct Panel that returned the application."
-

(4) For section 155(2) of the Principal Act
substitute—

5
10
15
"(2) If the Principal Councillor Conduct Registrar is satisfied that the matter the subject of an application has been or is being dealt with, or would more appropriately be dealt with, by the Council or another person or body (including an arbiter already appointed or a Councillor Conduct Panel already formed), the Principal Councillor Conduct Registrar may—
(a) reject the application; or
(b) refer the matter back to the Council; or
(c) refer the matter to that other person or body."

(5) In section 155(3) of the Principal Act, for "under subsection (1)(a), (b) or (c)" **substitute** "as to the matters specified in subsection (1)".

20
(6) In section 155(5) of the Principal Act, after "back to the Council" **insert** "or to another person or body".

61 Related applications

Section 157(4) and (5) of the Principal Act are **repealed**.

62 New section 159A inserted

After section 159 of the Principal Act **insert**—

"159A Reimbursement by Council

30
A Council must reimburse the State for the remuneration costs associated with the formation of a Councillor Conduct Panel to hear an application made under section 154 against any of its Councillors."

63 Notice of a Councillor Conduct Panel

(1) In section 160(b) of the Principal Act, for "by post a notice" **substitute** "a written notice".

(2) At the foot of section 160(b) of the Principal Act **insert**—

"**Note**

See section 8 of the **Electronic Transactions (Victoria) Act 2000**".

64 Procedures

In section 161(1)(c) of the Principal Act, after "a Councillor" **insert** "who is the applicant or the respondent".

65 Conduct of a Councillor Conduct Panel

In section 163(3) of the Principal Act, before "the respondent" **insert** "the applicant and".

66 Dissolution of Councillor Conduct Panels

In section 164 of the Principal Act—

(a) in paragraph (ca), for "Panel;" **substitute** "Panel.";

(b) paragraphs (d) and (e) are **repealed**.

67 Notification to Chief Municipal Inspector of apparent offence

For section 165(1) and (2) of the Principal Act **substitute**—

"(1) Subject to subsection (2), a Councillor Conduct Panel must give written notice to the Chief Municipal Inspector that a Councillor appears to have committed an offence under this Act as soon as the Councillor Conduct Panel becomes aware of the apparent offence.

(2) A Councillor Conduct Panel is not required to give written notice under subsection (1) if the apparent offence—

5

(a) is constituted by conduct that is serious misconduct specified in paragraph (h) or (i) of the definition of *serious misconduct* in section 3(1); and

10

(b) is apparent from information contained in the application for which the Councillor Conduct Panel was formed."

68 Determinations by a Councillor Conduct Panel

15

(1) In section 167(1)(b) of the Principal Act, for "one or more of the standards of conduct" **substitute** "the Model Councillor Code of Conduct on one or more occasions".

(2) Section 167(9) and (10) of the Principal Act are **repealed**.

69 Notice and tabling of decision

20

(1) For section 168(2) of the Principal Act **substitute**—

"(2) A copy of the decision given to the Council under subsection (1)(a) must be—

25

(a) tabled at—

(i) a Council meeting specified by the Councillor Conduct Panel; or

(ii) if no Council meeting is specified by the Councillor Conduct Panel, the next Council meeting; and

30

(b) recorded in the minutes of that Council meeting."

(2) After section 168(3) of the Principal Act **insert**—

"(3A) A written statement of reasons given to the Council under subsection (3) must be—

(a) tabled at—

5

(i) a Council meeting specified by the Councillor Conduct Panel; or

(ii) if no Council meeting is specified by the Councillor Conduct Panel, the next Council meeting; and

10

(b) recorded in the minutes of that Council meeting.

(3B) If the Councillor Conduct Panel's decision or statement of reasons contains any confidential information, the confidential information must be redacted from the copy tabled under subsection (2) or (3A)."

15

(3) Section 168(4) and (5) of the Principal Act are **repealed**.

70 Section 170 repealed

20

Section 170 of the Principal Act is **repealed**.

71 Order as to costs

Before section 214(1) of the Principal Act **insert**—

25

"(1AA) Subject to any order under subsection (1), the Council or Councils for which a Commission of Inquiry is appointed must reimburse the State for the costs of the Commission of Inquiry."

72 New section 330D inserted

At the end of Part 10 of the Principal Act **insert—**

"330D Transitional provision—Local Government Amendment (Governance and Integrity) Act 2024—review by VCAT

5

10

(1) Despite the repeal of section 170 by section 70 of the **Local Government Amendment (Governance and Integrity) Act 2024**, that section as in force immediately before its repeal continues to apply in relation to an application made under section 154 before the commencement day.

15

(2) In this section—

commencement day means the day on which section 70 of the **Local Government Amendment (Governance and Integrity) Act 2024** comes into operation."

20

Part 3—Amendment of Local Government Act 1989

73 Definitions

5

In section 3(1) of the **Local Government Act 1989**, in the definition of *Department*, for "Environment, Land, Water and Planning" **substitute** "Government Services".

**Part 4—Consequential amendment of
Victorian Civil and Administrative Tribunal
Act 1998**

74 Schedule 1—Constitution of Tribunal

5 Clause 46E(2) of Schedule 1 to the **Victorian
Civil and Administrative Tribunal Act 1998** is
repealed.

75 Schedule 1—Costs

10 Clause 46F of Schedule 1 to the **Victorian Civil
and Administrative Tribunal Act 1998** is
repealed.

Part 5—Repeal of this Act

76 Repeal of this Act

This Act is **repealed** on 26 October 2025.

Note

5

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.