

Reform 1 – Voter Franchise	LGPro Response
<p>Simplified Franchise.</p> <p>It is proposed to make council electoral rolls more closely aligned with the State electoral roll. Voters whose only entitlement is as an owner or lessee of a property in the municipality will be required to lodge an enrolment form to vote in that municipality's election if they want to vote.</p>	<p>We support the proposal in principle.</p> <p>We are concerned that a staged introduction over two election cycles could be confusing to the community. If this reform is to be implemented at the 2020 Local Government Elections, we recommend a single process.</p> <p>The proposal for non-resident owners to opt-in has the potential to disenfranchise this class of voter if they fail to register to vote.</p> <p>There will be an increased cost to the community where a Council determines to write to non-resident property owners to inform them of the change. It is submitted that the VEC should be responsible for this process.</p>
Reform 2 - Electoral Structures	
<p>Standardised electoral structures.</p> <p>Representative structures and election processes are to be simplified and made consistent. It is proposed to move to a single consistent model of single member wards, unless it is impractical to subdivide a council into wards.</p>	<p><i>We have concerns about this proposal.</i></p> <p>Our elected representatives hold firmly the view that the electoral structure should be one that is appropriate to each Local Government and their community and this should be determined by an independent electoral review body rather than a 'one size fits all' approach.</p> <p>From a local government professional perspective, we request that attention is paid to the following to ensure that any change included in the new Act is practical and can be implemented efficiently: -</p> <p>Firstly, many Local Governments are mid-way through, or are scheduled to begin, an Electoral Representation Review. These reviews are resource intensive and the process includes significant community consultation. If this reform is introduced, then scheduled reviews should not proceed as this would be an inefficient use of resources and lead to the community confusion with the VEC.</p> <p>Secondly, for Councils that are experiencing significant growth, neither single member wards nor the un-subdivided model is quite right. We</p>

	<p>suggest that consideration be given to either a third option or amendment of the VEC's +/-10% voter ratio to build in a greater element of elasticity into the system.</p> <p>Finally, timing of implementing this reform. We would recommend the community and Councils need certainty about the applicable electoral structure as soon as possible to enable implementation at the next local government general election in 2020. If implementation in full at the 2020 election is not possible, we suggest that both this reform and Reform 1 be held until full implementation together in 2024.</p>
It is proposed that an un-subdivided 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.	<i>We support in principle.</i>
Reform 3 - Training	
<p>Election Candidates – Mandatory Training.</p> <p>All candidates for Council elections will be required to undertake mandatory training as a condition of their candidature. The level of training required will be carefully balanced against the need to not create an unnecessary barrier to participation.</p>	<p><i>We support this proposal.</i></p> <p>It is vital that candidates have a thorough understanding of the nature, requirements and responsibilities of the role of a Councillor. The mandatory training must not become a further barrier to women's participation, therefore we would recommend that this training is best provided by Local Government Peak Bodies, such as the Municipal Association of Victoria and the Victorian Local Governance Association.</p> <p>The delivery of the training by sectoral bodies will enable greater participation as more sessions would be available at different times and locations and possibly online, and candidates need to attend a session in the municipality in which they intend to be a candidate.</p>
<p>Councillor induction training:</p> <p>Requiring all Councillors to complete mandatory training will improve their standards and capability to meet the requirements of office.</p>	<p><i>We support this proposal.</i></p> <p>Recent governance failures highlighted a lack of understanding of the role and duties of a Councillor. Mandatory Induction and ongoing learning and development, including those Councillors who have been re-elected, is important if we are to increase Councillor capability.</p>

	<p>We would recommend that in partnership with Local Government Victoria, LGPro, MAV and VLGA are best placed to develop a mandatory induction program to ensure consistency across the Sector.</p> <p>CEOs would continue to be responsible for inducting Councillors into each Local Government organisation. This training to be required by all Councillors, new and returning.</p>
Reform 4 - Donation reform	
<p>Electoral campaign donations. Controlling electoral donations and gifts will improve the integrity and transparency of the donations process. This will increase community confidence in council decision making by making sure that decisions are made purely on merits.</p>	<p><i>We support this proposal, in principle.</i></p> <p>A transparent approach to gifts is supported. Lowering the 'gift disclosure threshold' which applies to campaign donations and other gifts received by Councillors from the \$500 proposed in the 2018 Bill, to \$250 is considered reasonable, the unintended consequence of this reform is a rise in conflict of interest declarations that may impact on Council's decision-making process.</p>
<p>Gift Register & Gift Policy. 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.</p>	<p><i>We support this proposal.</i></p> <p>This reform will promote open and transparent government and build community trust.</p>
Reform 5	
<p>Prescribed standards of conduct. The Act 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.</p>	<p><i>We Support this proposal.</i></p> <p>However, the Councillor Conduct Principles should be included in the Act to provide general guidance on the standards of conduct. Including them in the Act would also mean any proposed change would need to be passed by the Parliament with the associated scrutiny and debate and not just by the Minister.</p>
<p>The proposal to require each Council to adopt a Councillor code of conduct that includes the standards of conduct prescribed in Regulations is supported as it will set a minimum standard of behaviour for Councillors across the State.</p>	<p><i>We support this proposal.</i></p> <p>It is important to have consistency across the state. We would recommend that Local Government Peak Bodies, MAV and VLGA are best placed to develop model(s) Codes of Conduct on behalf of the Sector.</p>
<p>Internal arbitration process.</p>	
<p>The arbitration process will become a legislated process managed by the Principal Councillor Conduct Registrar</p>	<p><i>We support this proposal.</i></p>

<p>(PCCR) rather than requiring each council to develop and adopt its own process.</p>	<p>Having a Principal Councillor Conduct Registrar responsible for reviewing allegations of misconduct will ensure a proactive and objective process is available.</p> <p>We would recommend that Local Government Peak Bodies, LGPro, MAV and VLGA are best placed to assist Local Government Victoria in the development of guidance materials on behalf of the Sector.</p>
<p>Reform 6 - Community accountability: Disqualification</p>	
<p>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.</p>	<p><i>We support in principle.</i></p> <p>One serious breach during any period as a councillor should result in disqualification.</p> <p>Serious misconduct should be expanded to include discrimination as defined in the Equal Opportunity Act 2010.</p>
<p>Community initiated Commission of Inquiry.</p> <p>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. 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.</p>	<p><i>We have concerns about this proposal:</i></p> <p>The threshold for large Councils will be too high and for small Councils, too low. For example, at the 2016 Council elections, City of Whittlesea had 140,236 eligible voters and 98,000 formal votes. The 25% threshold would have required 35,059 people to sign the petition. An onerous requirement that would effectively prevent a community-initiated Commission of Inquiry from being appointed. In comparison, the Borough of Queenscliffe had 4,334 eligible voters and 3238 formal votes. 25% would require 810 people to sign the petition, a far more achievable proposition for this community.</p> <p>In any event, if the reform is introduced, it should be based on the percentage of persons who voted, rather than the total enrolment numbers on the voters roll. We suggest that the threshold be 50% (+1) of the persons who voted at the previous election. This way, the number of people who are required to trigger an enquiry will always be more than the number of people who elected the Council.</p>

In addition, we provide the following comment on Implementing the new Act.

We note that implementation of the Act will be staged, and that support and guidelines will be provided to assist councils during the transition. We encourage you to not underestimate the significant resource burden that this will place on the sector across 2020, particularly given the competing priorities during an election year. LGPro are very keen to work with Government to assist in developing materials that support local government professionals across the State. Councils are, as you know, extremely diverse with varying levels of capability and resource capacity. Implementation timeframes and expectations must be pragmatic and recognise this diversity.