

Citizen to Councillor Guide

A 2024 guide
to becoming a
local government
councillor in
Victoria.



**STAND
FOR
COUNCIL**



Acknowledgement of Country
We acknowledge the traditional custodians of the land on which we live. We recognise their connection to land, waters, and culture, and pay our respects to their Elders past and present.

Enquiries

Municipal Association of Victoria (MAV)
Level 5, 1 Nicholson Street
East Melbourne
Melbourne VIC 3001

Phone: (03) 9667 5555
Email: inquiries@mav.asn.au

Websites: www.mav.asn.au | www.viccouncils.asn.au
LinkedIn: www.linkedin.com/company/municipal-association-of-victoria
Facebook: <https://www.facebook.com/municipalvic>

Alternative Media Publications

Special arrangements can be made for this publication to be provided in large print or an alternative media format. If you need this service, please contact us on 03 9667 5555 or inquiries@mav.asn.au.

Acknowledgement

The MAV thanks the Victorian Electoral Commission (VEC) for its assistance in reviewing and providing information for this publication. www.vec.gov.au

Disclaimers

While every effort has been made to ensure the accuracy of the information in this publication, the MAV expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication.

It's important to note this guide provides summaries related to provisions in the *Local Government Act 2020* and associated regulations. For full details, the Act and regulations should be consulted and can be found at [Local Government - Acts and Regulations](#). For specific matters, you should seek legal advice and not rely on this guide.



Contents

Acknowledgment of Country	03
Foreword	06

Section 1 Introduction

1.1	Shaping our future - About the MAV	10
1.2	Why stand for Council?	11
1.3	Councillors are passionate with a drive for their community.	13
1.4	Local democracy thrives when we have diversity	14
1.5	Skills and attributes of a successful councillor	15

Section 2 Local Government

2.1	Overview of Federal, State, and Local governments	18
2.2	About Victorian Local Government	20
2.3	Local Government funding	21
2.4	Services provided by councils	22
2.5	Local Government infrastructure	23
2.6	Land Use Planning and Development	24
2.7	Emergency Management	25
2.8	Local Government stakeholders	26

Section 3 How Councils work

3.1	Council structures and the election of councillor	30
3.2	Council governance	31
3.3	Legislative framework	32
3.4	Strategic Planning	33
3.5	Transparency, accountability, and oversight	34
	Council meetings	34
	Council delegated committees, community asset committees and advisory committees	36
	External oversight and Integrity Agencies	37

Contents

Section 4 Being a Councillor

The role of a councillor	40	Conflicts of Interests	52
How councillors serve their communities	41	Councillor Induction Training	53
Community engagement and accountability	41	Model Councillor Code of Conduct	53
Advocacy and representation	41	Improper Conduct	55
Strategic Planning	42	Councillor conduct framework	57
Deliberative Engagement	42	Other obligations and requirements	59
Debating and decision-making	43	Open and Impartial decision-making	59
Budgeting and financial management	43	Access to Council information	59
Strategic land use planning and development	44	Media management	60
Chief Executive Officer employment and performance	45	Gift policy	61
The role of the Mayor and Deputy Mayor	46	Fraud and corruption	61
Mayoral functions	47	Qualification to be a councillor	62
Working with the CEO and Council staff	49	Ceasing to be a councillor	63
Working with fellow councillors	50	Councillor entitlements, support and commitment	64
Working with the community	50	Allowances	64
A councillor's ethical obligations and conduct	51	Expenses, resources and support	64
Oath of Office	51	Opportunities to learn	67
Personal Interest Returns	52	Time commitment	67

Section 5 Council Elections and candidate requirement

Local Government Elections 2024	70
Your Council's electoral structure	71
Candidate guidance	72
Running an election campaign	73
Electoral campaign compliance	74
The rules about electoral material	74
Election campaign and donation returns	75
Election (caretaker) period and policy	75

Section 6 Where can you get more information

Appendices	79
Appendix A: Summary of <i>Local Government Act 2020</i> - Objectives, Principles and General Power	79
Appendix B: Victorian Councils' Electoral Structures	80
Appendix C: Campaign Offences	84

Foreword

From Municipal Association of
Victoria CEO Kelly Grigsby

I take immense pride in the vital work undertaken by our local councils and their dedicated councillors, recognising their deep passion for the communities they serve.

Whether you're living, working, playing, or passing through, local government significantly shapes our lives and fosters community development by creating inclusive spaces to cater for the diverse needs of our communities.

At the heart of local government are councillors, playing a key role as representatives and decision-makers for their communities.

Councillors actively engage with and are accountable to their communities. Their decisions as the collective leadership group of a council have a meaningful impact, reaching across thousands of community members and influencing the overall well-being of Victoria.

Whether you're considering nominating to become a councillor or have already served in this role, I express my heartfelt appreciation for your dedication to community service.

For those individuals hesitant to enter public office due to uncertainties about the role or their skills, this guide aims to assist you.

“If you have a passion and drive for your community, coupled with a willingness to learn and collaborate to make a positive difference, I encourage you to consider standing as a candidate for your local council.”

Kelly Grigsby





Introduction

Section **1**

1.1 Shaping our future - about the MAV

Helping local councils build a resilient and sustainable Victoria.

The Municipal Association of Victoria (MAV) is a membership association and peak body for Victoria's local government sector, formed in 1879 and officially recognised by the *Municipal Association Act 1907* as the voice of local government.

The MAV offers councils a one-stop shop of services and support to help them serve their communities. We advocate for local government interests, initiate projects and services across a broad range of areas, and support the development, adoption and implementation of evidence-based research and policy.

Our **purpose** is to mobilise action that supports Victorian councils to create cities, regions, and towns that are thriving, resilient and inclusive communities.

Our **vision** is to be a nation-leading thought leader, partner and resource hub for the Victorian local government sector in strategic foresight, policy and research, leadership and governance, service design and advocacy impact.

Enhancing local government leadership is a core element of our purpose and vision. We provide a range of sector services tailored to this goal, including professional development and leadership programs, governance advisory services, and sector networking events. Our offerings are designed to assist new and returning councillors, helping them to build their knowledge and skills, with the aim to empower councillors to excel in their roles.

One of the 10 enabling priorities in the MAV's 2024-2027 Strategic Plan 'Shaping our future' is to amplify the importance of **active local democracy**.

We are committed to working with local government and other levels of government to ensure local policies reflect the needs and preferences of local communities. We know effective local democracy can facilitate public participation, improve service delivery, strengthen communities, and improve development outcomes. Supporting our Strategic Plan 2024-2027 is an annual plan which identifies activities we will undertake to support active local democracy.

To read more about the MAV, our Strategic Plan, priorities and annual plan activities, refer to www.mav.asn.au



1.2 Why stand for Council?

Local government is the closest form of government to the people. It's uniquely positioned to address the specific needs and concerns of the community.

This close connection fosters vibrant and resilient communities by providing essential services like programs which promote connections, public safety, infrastructure development and maintenance.

Beyond the basics, councils go further with place-making, environmental, health and wellbeing initiatives. They shape public spaces, streetscapes, and deliver a range of community and cultural facilities to enhance the overall environment and encourage social interaction. They play a vital role in environmental management through initiatives like waste management, sustainability planning, and protecting local ecosystems. Some councils provide services like childcare, aged care and support programs for vulnerable persons. These efforts directly enrich all our daily lives and improve the liveability of our communities.

But local government isn't just about services; it's about community empowerment. Council governance structures offer a platform for everyone to have a voice in shaping the neighbourhoods we work, live, and play in.

Lead the way! Become a local government councillor and contribute to shaping a brighter future, ensuring a more positive and inclusive community environment for generations to come.

You can shape the kind of world you want to live in at the local level...local government is a key pillar of Australian representative democracy.





1.3 Councillors are passionate with a drive for their community

If you are passionate about your community and aspire to make a positive impact, consider the rewarding role of a local councillor!

Councillors are the architects of change, working together to make democratic decisions that shape our communities. They connect with community members to understand their needs and represent their interests. Councillors make decisions about local government services and programs that directly influence the well-being and progress of their communities.

Being community-minded, honest, energetic, and a team player are essential qualities for a successful councillor. If you possess these traits, along with a willingness to learn and grow, we encourage you to nominate for the role of councillor. You will receive support and opportunities during your four-year term to reach your fullest potential as a dedicated and effective community leader.

Being a councillor is one of the most visible ways of communicating your values, hopes and ideas for your community.



\$31.5 Million
physical library
items loaned

1.4 Local democracy thrives when we have diversity

Victoria has an incredible diversity of cultures, with more than 200 countries of origin, over 290 languages and dialects spoken, and 314 ancestries represented.

Councils play a key role in celebrating and supporting community members with migrant, refugee and asylum seeker backgrounds, and lead by example in being welcoming, inclusive and fostering social cohesion.

Local democracy greatly benefits from councillors who bring a range of backgrounds and experiences - cultural, gender, and age diversity. This inclusive representation reflects the richness of our communities, not just currently, but also for future generations.

Diverse council representation fosters a tapestry of voices and perspectives, leading to more effective decision-making. This collaborative approach ensures outcomes that are more inclusive and equitable in the delivery of local services and infrastructure.

By embracing diversity in local government, we do more than just strengthen democracy - we empower our communities to innovate and thrive.

Every voice deserves to be heard, and every perspective valued. Let's work together to ensure councils truly reflect the richness and diversity of the communities they serve.



1.5 Skills and attributes of a successful councillor

Being a councillor can be a challenging experience. It requires balancing competing demands and exercising judgement about important and complex matters.

It also requires being able to work well with others and use a broad range of skills and competencies.

The skills and attributes of a successful councillor include:

Community-driven: Dedicated to serving the whole of community interests.

Quality decision maker: Considers diverse perspectives, weighs up all relevant information, and the longer-term consequences to achieve the most beneficial outcomes.

Strategic thinker: Possesses the ability to envision future needs, analyse current challenges, and formulate sustainable plans that will influence the long-term success of the council and community.

Leader and team player: Able to inspire, guide, and collaborate with others to achieve a shared vision and outcomes, with an emphasis on strategic priorities and a strong commitment to teamwork for the benefit of the community.

Effective communicator: Capable of communicating effectively, actively listening, embracing diverse voices and opinions, and advocating on behalf of the community.

High ethical integrity and behaviour: Honest, fair, and trustworthy, taking ownership and responsibility for actions. Does not misrepresent for personal or others' gain. Understands and models the Council's values and behaviours, and working respectfully with fellow councillors, council staff, and others, valuing their respective roles.

Political acumen: An understanding of the respective roles of governments and an ability to make informed decisions within a political context.

Relationship builder: Builds productive relationships and support within the Council, the community, and other organisations in order to create and deliver on the community's vision and achieve outcomes.

Conflict resolution skills: Ability to understand diverse opinions, facilitate open dialogue, to resolve issues and find mutually beneficial solutions.

For more details on local government, its functioning, roles, responsibilities, as well as essential information on becoming a councillor, refer to the subsequent sections of this guide.



Local Government

Section **2**

2.1 Overview of Federal, State, and Local governments

In enhancing the liveability of each municipal area, councils must work with their communities, other councils, and the Federal and State governments.

Federal, state, and local governments play distinct and important roles in making laws, raising revenue and delivering services. The following are examples of the typical responsibilities of the three tiers of government in Australia

Federal government Makes laws for all Australians about national matters such as defence and immigration, raise revenue through taxing income, spending, and businesses.

National defence

Foreign affairs and Immigration

Trade relations, customs, and Australian border control

Currency and monetary policy

Investing in major national infrastructure projects, health and medical research

Social security services and pensions

State/Territory governments Make laws about matters such as hospitals and schools, receive revenue funding from the Federal government and also raise and collect taxes.

Public hospitals & schools

Police, ambulance, and emergency management services

State roads and infrastructure

Public transport

State national parks, arts and culture facilities

Social housing

Prisons

Local government (councils) Make local laws about local matters, receive funding from the federal and state government, and raise and collect taxes (rates and fees) from property owners and service users.

Urban and regional planning

Local roads and infrastructure

Drainage infrastructure

Waste management and collection

Parks and recreational facilities

Local arts, culture, and library services

Community development services including some aged, child and family services.

2.2 About Victorian Local Government

In Victoria, local government is made up of 79 councils representing the state's more than six million people.

See [Victorian councils map](#)

Local government enables the economic, social, and cultural development of the municipal area it represents, supports residents and ratepayers, and provides a wide range of services for the wellbeing of the local community and visitors.

Each municipality is different – diverse in cultural, gender, and age, established or still developing, rural or urban, and its population may vary from fewer than 3,000 people to more than 380,000.

[Victoria remains the fastest growing state in Australia, with the state's population expected to reach 10.3 million by 2051. For more information, including population projections by local government area up to 2036, visit the Victorian Government website \[Victoria in Future\]\(#\)](#)

Councils respond to local community needs. Each council has the powers to make their own local laws, and provide a range of services, including the implementation of policies, legislation and programs made or set by other levels of government.

Councils collect rates from residents and businesses in their municipality to help fund the delivery of community infrastructure worth over \$140 billion, as well as more than 100 local services.

It's important to note that nationally, local governments collect just 3.6 cents of every tax dollar raised. This means councils rely on funding from other levels of government – through ongoing funding, specific grants, co-funding partnerships – to fund services and infrastructure for their communities.

All Victorian councils broadly have similar roles and responsibilities and derive their power from the same legislation.

In Victoria, local government is regulated by an Act of the Victorian Parliament – the [Local Government Act 2020](#) – which specifies council powers, duties, and functions. The legal basis for councils is established under the [Constitution Act 1975](#).

Councils have autonomy to provide services that meet the needs of their local community, and establish a range of discretionary processes, including local laws, to guide certain activities that can occur within their municipality.

Local laws made by councils deal with important community safety, peace and order issues such as public health, management of council property, environment and amenity. Local laws often apply to regulate noise, fire hazards, abandoned vehicles, parking permits, street stalls, furniture on footpaths, graffiti, animals and busking.

A council's capacity to deliver a diverse range and quality of services is influenced by several factors, encompassing:

- The availability of funds
- The size, location, and demographics of the municipal area
- The commitment to maintain existing services
- The community's perspectives, desires, and requirements.

Local government also administers and enforces under numerous other key laws, including the *Planning and Environment Act 1987*, the *Public Health and Wellbeing Act 2008*, the *Domestic Animals Act 1994*, and the *Emergency Management Act/s (1986, 2013)*. Given councils wide range of responsibilities and services, they must consider and follow over 120 Federal and Victorian Acts, regulations, Ministerial Directions, codes of practice, Australian Standards, and guidelines.

The terms 'municipal community' or 'local community' can be used interchangeably and includes residents, ratepayers, Traditional Owners, and individuals/entities engaged in activities within the municipal (council) area, such as community groups, businesses, charities, cultural organisations, government bodies, agencies, and visitors.

To read more about your council and municipal area refer to the Victorian Government's [Know Your Council website](#).



2.3 Local Government funding

Local government plays a crucial role in the delivery of essential services and infrastructure that Victorian communities depend on daily.

As the democratic third tier of government, councils require long-term financial sustainability to effectively address the priorities and needs of their communities. Funding for these essential services primarily comes from rates and charges, government grants, developer contributions, and user fees.

The financial sustainability of councils, particularly in rural and regional areas, is supported by the Commonwealth Government's Financial Assistance Grants, which are administered through the Victorian Local Government Grants Commission (VLGGC). Critically, these grants are untied which means they can be used for local priorities, supporting the day-to-day operations of council. The amount of the grant varies from council to council. Councils may also be eligible to receive grants from a variety of other sources.

To ensure long-term planning, the *Local Government Act 2020* requires councils to prepare a 4-year budget, 4-year revenue and rating plan and a 10-year financial plan. The Act emphasises the overarching governance principles and supporting financial management principles, outlined Section 3 (Legislative framework) of this guide. These principles stress the importance of financial management in alignment with a council's financial policies and strategic plans. This includes monitoring and managing financial risks, ensuring financial stability, and maintaining transparent financial operations.

Councils in Victoria are responsible for annual revenue in the order of \$13 billion and manage over \$140 billion of assets and infrastructure.



2.4 Services provided by councils

Every time a person leaves their home, they are using services provided by their council. Victorian councils deliver more than 100 different services to their local communities.

Councils also provide local infrastructure and community facilities valued at over \$140 billion across Victoria.

But not every municipality is the same. A council area may have a declining population, lots of young families moving in or an ageing community. They might have predominately residents and small businesses, or many industrial businesses, farmers or transient populations that don't live locally.

Regardless of its characteristics, each council must respond to and provide for the needs of its community. The list of services and infrastructure may vary from one council to the next depending on the community but generally includes diverse service delivery topics from aged care, family and childcare to health, safety, food safety, environment health to local laws, emergency management, libraries, management of parks and gardens to waste collection and recycling.

Services that may not immediately come to mind when thinking about the broad range of services provided by councils include:

Recreation and leisure facilities

Support for cultural activities, events, and festivals

Performing art centres and galleries

Tourism activation and promotions

Initiatives to boost local businesses and economic development

Providing grants and funding for community groups and initiatives

Investments in public art, landscaping, and beautification efforts

Youth and seniors' programs

Local biodiversity protection, land conservation and integrated water management

2.5 Local Government infrastructure

Delivery and management of infrastructure is one of the key roles, and greatest challenges, for Victorian councils.

In 2022-23, Victorian councils managed \$140 billion in property, plant, equipment, and infrastructure assets on behalf of their communities.

Infrastructure assets managed by councils include:

- Local roads, bridges and culverts, footpaths, and associated traffic infrastructure
- Stormwater drainage systems
- Active and passive open spaces
- Buildings and community facilities including aquatic centres, art galleries, offices, depots, pre-schools, childcare and senior citizen centres, libraries and heritage buildings, pavilions, monuments, and carparks.

The largest components of this asset base are local roads. Councils manage over 130,000 kilometres of roads in total, representing 87% of the Victorian road network.

Notably, a significant proportion of councils' operational and capital budgets is directed to asset management. The *Local Government Act 2020* requires councils to develop and maintain long term Asset Plans.

These plans serve as a foundation for discussions with their communities, the State and Federal Governments, emphasizing the need for a forward-looking approach to ensure assets remain fit for purpose and meet current and future needs.

Climate change presents a growing challenge for local government. In many parts of Victoria, climatic conditions will change how existing assets perform and how they need to be maintained. The most obvious example is the performance of roads under changing weather patterns.

More severe and frequent events such as floods, storms, and fires will require major repair/reconstruction of infrastructure more often. While councils affected by major disasters receive funds from the Federal Government's Disaster Recovery Funding Arrangements, these arrangements are primarily focused on returning the infrastructure to its pre-event condition without betterment.

Local government infrastructure will also be expected to play a role in climate change mitigation by deploying new assets and adapting existing ones. For example, sea walls may be required to protect public assets near the coast or levy banks around expanding towns. Alternatively, councils may be required to redesign buildings and public spaces to mitigate localised heat impacts.

Explore your Council's Asset Plan on their website.

2.6 Land use planning and development

Planning in Victoria is governed by the *Planning and Environment Act 1987 (Vic)* and the *Planning and Environment Regulations 2015 (Vic)* and is expressed through a council's planning scheme.

Councils have important regulatory and policy roles in land use and development planning to guide the development and growth of their communities.

Councils administer local planning schemes and issue permits in accordance with the local planning scheme. While many planning rules are set by the State

Government, councils have an important responsibility to develop their local Municipal Strategic Statement's strategic directions and to tailor the local planning scheme to suit their local context.

Council's planning responsibilities encompass planning assessment and enforcement, zoning decisions, infrastructure planning and coordination, and fostering sustainable development while engaging with community members to ensure transparent and inclusive decision-making.

Councils and councillors face various challenges in fulfilling their land use regulatory responsibilities, including balancing the interests of diverse stakeholders, addressing community needs, and navigating regulatory complexities.



2.7 Emergency management

Councils play an important role in Victoria's emergency management arrangements.

When natural disasters strike, such as bushfires, floods, or storms, councils are involved before, during and after emergencies supporting their communities.

Councils have a variety of emergency management responsibilities, from prevention to emergency response and recovery, as well as building the resilience of communities to respond to emergencies.

Councils' roles include:

- Emergency management plans for the municipality, in partnership with other emergency services agencies
- Undertaking fire prevention activities including issuing fire prevention notices and working with fire agencies to reduce fire risks
- Planning overlay controls to address risks to properties such as fire and flood

- Operating relief and recovery centres during and after an emergency
- Coordinating emergency shelter for displaced people and animals
- Assessing occupancy of damaged buildings, safety of sites after an emergency, and overseeing rebuilding (permits/inspections)

By playing a role in allocating resources, having agreements with nearby councils for help, and supporting the community, councils actively contribute to helping communities bounce back after natural disasters. Their involvement goes beyond immediate response and includes long-term recovery, fixing infrastructure, and providing social support services for affected communities.

Explore your Council's website for more information about Municipal Emergency Management.



46,330
planning permits
processed

2.8 Local Government stakeholders

Councils need to engage and work with a variety of stakeholder groups to ensure inclusive and effective governance.

These stakeholders include residents, community organisations, Traditional Owners, industry leaders, local businesses, non-profit organisations, educational institutions, and government agencies at various levels.

Building strong partnerships with these groups is essential for fostering transparency, addressing diverse community needs, and promoting sustainable development in the municipal area.

Some Victorian agencies which councils engage and work with include:

Local Government Victoria (LGV)

Water and catchment authorities

Victorian Planning Authority (VPA)

Emergency Management Victoria (EMV)

Tourism Victoria

State departments such as Government Services; Energy, Environment, and Climate Action (DEECA); Health; Families, Fairness and Housing; Transport and Planning (DTP); Justice and Community Safety; and Jobs, Skills, Industry and Regions.

State Integrity agencies (*refer Section 3 for more information on local government oversight and integrity agencies*)

Other key stakeholders include sector peak bodies such as:

Municipal Association of Victoria

Victorian Local Governance Association (VLGA)

LGPro Vic (Local Government Professionals)

FinPro (Local Government Finance Professionals)





How Councils Work

Section **3**

3.1 Council structures and the election of councillors

Councils are area-based representative governments with a legislative and electoral mandate to manage local issues and plan for the community needs.

Each council comprises two essential parts – the Council, which is the governing body responsible for setting the strategic direction and making high-level decisions, and a separate administrative arm staffed by council officers responsible for the day-to-day operations, delivering services and providing executive support to the Council.

Councillors collectively comprise the governing body of the Council and are elected for a four-year term. Overall, the role of councillors is to take part in the decision-making of council, inform the direction of council through the development of key strategic documents, and to represent the interests of the whole community.

The default setting for councils' electoral structures under the *Local Government Act 2020* is for councils to have multiple single-councillor wards. However, rural shires can be structured to elect all councillors to an unsubdivided (no wards) structure, or as several wards each electing an equal number of councillors per ward (for example, three wards, each electing three councillors) or single-councillor wards.

To establish the council's electoral structure (wards or unsubdivided) and the number of councillors for each council, Electoral Representation Advisory Panels conduct electoral representation reviews and provides recommendations to the Minister of Local Government. Any changes to electoral structures and councillor numbers will be determined by the Minister prior to each four-year election cycle.

The (2024) electoral structures and the number of councillors for each council is detailed at [Appendix B](#).

Read more about a councillor's role and responsibilities in Section 4 of this guide.

For more information about local council elections visit vec.vic.gov.au and electoral structure and ward boundary reviews visit localgovernment.vic.gov.au



3.2 Council Governance

The role of each council is to provide good governance for the benefit and wellbeing of the municipal community, which includes residents, ratepayers, traditional landowners and people, bodies and businesses who conduct activities in the municipality.

A council provides good governance when:

- It performs its role in accordance with the overarching governance principles and supporting principles (*Local Government Act 2020*, section 9)
- Councillors perform their roles in accordance with the legislative requirements (*Local Government Act 2020*, section 28).

Councillors play a central role in facilitating good governance and addressing the needs of their local communities through their participation in the following council functions:

Representation: Councils act as representatives of the local community, advocating for the community, and ensuring its diverse needs are considered in decision-making processes.

Policy Development: Councils are responsible for formulating and implementing local policies, strategies and plans that guide the development, growth, and well-being of the municipality.

Decision-Making: Councils make decisions on a wide range of matters, including planning and development, infrastructure projects, community services, and budget allocations.

Community Engagement: Engaging with the community is a crucial aspect of a council's role. Councils actively seek input from residents, businesses, and community groups to understand local issues, gather feedback, and incorporate community perspectives into decision-making.

Infrastructure and Services: Councils oversee the provision of essential services and infrastructure within their jurisdiction, such as roads, waste management, parks, and community facilities, ensuring the well-being and quality of life for residents and visitors.

Financial Management: Councils must manage their budgets responsibly, allocating financial resources to support community priorities, projects, and services in accordance with legal and regulatory requirements.

Compliance and Accountability: Councils must operate in compliance with relevant legislation, regulations, and ethical standards. They are accountable for their actions, ensuring transparency and good governance.

Representation on Committees: Councils may appoint representatives to various internal and external committees, collaborating with stakeholders to address specific issues or concerns affecting the community.

Strategic Planning: Councils engage in long-term strategic planning to shape the future of their municipalities, considering factors such as population growth, economic development, and environmental sustainability.

3.3 Legislative framework

With the commencement of the *Local Government Act 2020*, Victorian councils transitioned from a highly prescriptive Act (the *Local Government Act 1989*) to a more principles-based one to better reflect their autonomy as a democratic third tier of government.

As the main governing legislation, the *Local Government Act 2020* details a set of objectives, overarching governance and supporting principles, along with a general power, to guide the operations and conduct of councils in Victoria.

The Act's objectives ensure local government remains a democratically elected tier of government in Victoria, with councils acting as representative bodies that are accountable, transparent, collaborative, efficient and engaged with their communities.

The overarching governance principles require councils to:

- Comply with relevant laws;
- Prioritise achieving the best outcomes for the municipal community, including future generations;
- Promote economic, social, and environmental sustainability, including planning for climate change;
- Engage with the municipal community in strategic planning and decision-making;
- Pursue innovation and continuous improvement;
- Collaborate with other councils and government agencies;
- Ensure their ongoing financial sustainability;
- Take into account regional, state and national strategic plans and decisions; and
- Ensure its decisions and actions are transparent.

The following five **supporting principles** underpin the overarching governance principles of the Act:



These principles aim to guide councils in upholding democratic values, fostering community trust, and ensuring that their actions align with the best interests of the municipal community.

The Act also provides councils with a 'General Power,' subject to any legislative limitations or restrictions, to do all things necessary or convenient in connection with the performance of their roles. This general power of competence is not limited by specific legislative powers. Consequently, councils have the authority to undertake any action an individual can, as long as it is not prohibited by law and has the necessary municipal nexus.

In essence, the *Local Government Act 2020* establishes a framework to ensure councils operate responsibly and effectively, fostering a culture of openness, accountability, and community-focused governance.

For a summary of the Local Government Act 2020 - objectives, principles and general power go to Appendix A of this guide.

3.4 Strategic planning

Local government strategic planning plays a crucial role in guiding the development and growth of municipalities.

Victorians rightly expect councils to give priority to achieving the best outcomes for them and future generations, making decisions that promote economic, social, and environmental sustainability.

The *Local Government Act 2020* says councils must develop and review the following key strategic planning documents.

Document	Minimum Scope	Timeline by
Community Vision	10 years	31 October the year following an election
Council Plan	4 years	31 October the year following an election
Financial Plan	10 years	31 October the year following an election
Asset Plans	10 years	31 October the year following an election
Revenue and Rating Plan	4 years	30 June following an election
Budget	4 years	30 June following an election

At the end of each financial year, councils must also prepare an Annual Report which includes progress against the Council Plan, strategic initiatives and audited financial statements. The contents of the report are guided by the requirements of the *Local Government Act 2020*, the *Local Government (Planning and Reporting) Regulations 2020*, and the *Local Government's Performance Reporting Framework*.

Other Acts also require councils to develop and review key strategic plans and policies, such as a Municipal Public Health and Wellbeing Plan under the *Public Health and Wellbeing Act 2008*, and the council's planning scheme under the *Planning and Environment Act 1987*.

There are also several key policies a council must develop including Governance Rules for the conduct of council meetings and community engagement, public transparency, complaints, and procurement policies. These are required to give effect to the principles in the *Local Government Act 2020*.

Explore your Council's website to learn more about their strategies, plans and policies.

3.5 Transparency, accountability, and oversight

Council meetings

Council meetings are the formal decision-making process of a council, where councillors are required to attend to debate council business, set strategic objectives, and make high-level decisions on behalf of the community.

Council meetings are conducted openly, ensuring transparency and accessibility to the public.

Council meetings may be held in-person or electronically (virtual meetings held online). Agendas and details of upcoming council meetings are made publicly available in advance on council websites, social media and print media notices, allowing the public to stay informed about the topics to be discussed.

Members of the public can observe meetings in person or via livestream from a council's website or other online channels such as YouTube and Facebook. Where councils take up the option to conduct virtual meetings, all council meetings must be streamed live.

The Local Government Act 2020 requires councils to have Governance Rules to govern the conduct of council meetings and meetings of any delegated committee established by the council.

The Governance Rules provide for how the format of meetings is to be determined, including options for hybrid meetings, where some councillors may attend in person, and others by electronic means.

The Local Government Act 2020 also requires that most council meetings must be open to the public, except in limited circumstances where specific confidential matters such as legal issues or personnel matters are being discussed or for security reasons.

During open council meetings, members of the public have the opportunity to witness decision-making processes, with designated times for public questions and community representations.

Additionally, councils' websites offer an electronic archive for users to download meeting notices, agendas, minutes, and recordings. Councils' websites also include information about the council's governance rules, submitting a question and other publications.

Governance Rules provide a framework for a council to fairly consider and make decisions on matters, taking into account their merits. The Rules include decision-making procedures to ensure that any person whose rights will be directly affected by a Council decision are able to communicate their views and have their interests considered.

More information about the role of councillors and council decision-making is detailed in Section 4 of this guide.



Council delegated committees, community asset committees and advisory committees

Councils delegated, community asset and advisory committees play an important governance role.

Under the *Local Government Act 2020*, councils can establish **delegated committees**, which are defined as committees exercising any power of a Council under the Act. These committees must include at least two councillors and may include other individuals. These committees must be established through a resolution passed by the Council, as a delegated committee can exercise a power or undertake a duty or function as if it is the Council.

Consequently, decisions made by a delegated committee carry the same significance as those made by councillors at a council meeting or decisions delegated by the Council to a council officer. A delegated committee's specific functions, duties and powers must be delegated by the Council to each committee member through an 'Instrument of Delegation' and will be further delineated in the committee's Terms of Reference. For example, some Councils establish delegated committees to undertake the Council's planning decision making functions under the *Planning and Environment Act 1987*.

The Act also provides for councils to establish **community asset committees** dedicated to managing specific community assets, such as public halls, community centres, and recreation reserves. These committees will receive their responsibilities through an instrument of sub-delegation from the Council's Chief Executive Officer (CEO). Typically, the role of a community asset committee is to manage or oversee the operation of a council facility, with committee members volunteering their time, applying their skills and experience to ensure the effective management of the facility.

Councils also establish a number of **advisory committees** to facilitate community input into council policies, directions, and activities. The purpose of these committees can vary, encompassing representation, advocacy, and consultation. They do not have decision-making powers: the role of an advisory committee is to make recommendations to the Council. Composition of advisory committees may include councillors who are appointed by a formal resolution of the Council, and community members and may include persons with specialist skills. Typically, each advisory committee will have a Terms of Reference outlining its role, membership composition and any specific provisions applicable.

The Local Government Act 2020 requires councils to establish an audit and risk committee as an advisory committee. Under the Act, a Council's **audit and risk committee** has several responsibilities, including monitoring compliance of the Council's policies and procedures with the overarching governance principles, adherence to the Act, its regulations, and any ministerial directions, overseeing financial and performance reporting, providing advice on risk management and fraud prevention systems and controls, and overseeing internal and external audit functions.

External oversight and Integrity Agencies

Councils operate under numerous layers of oversight, including council-initiated review processes, as well as oversight by external agencies.

Key agencies involved in oversight of the Victorian local government sector and councils:

Victorian Ombudsman	The Victorian Ombudsman investigates complaints about the actions and decisions of councils including, complaints about services, communication, complaint handling, compliance with policies, procedures, and laws.
Independent Broad-based Anti-corruption Commission (IBAC)	IBAC is the state's anti-corruption agency responsible for preventing and exposing corrupt conduct in the public sector, including local government. IBAC may conduct investigations and inquiries into allegations of corrupt conduct within the local government sector.
Victorian Auditor-General's Office (VAGO)	VAGO conducts audits to assess the efficiency, effectiveness, and local government compliance with relevant laws and regulations, to ensure public resources are managed appropriately and transparently.
Local Government Inspectorate (LGI)	The LGI monitors and investigates potential breaches of the <i>Local Government Act 2020</i> , including councillor matters involving conflicts of interest, misuse of position, disclosure of confidential information, directing staff and electoral offences.
Local Government Victoria (LGV)	Reporting to the Local Government Minister, LGV provides policy advice, oversees legislation, and works with councils to support responsive and accountable local governance.
Other related government bodies	Provide oversight of councils' activities include the Office of the Victorian Information Commissioner in relation to freedom of information and privacy compliance, and the Victorian Equal Opportunity and Human Rights Commission which investigations complaints of discrimination, sexual harassment, racial or religious vilification and victimisation.
Municipal Association of Victoria (MAV)	While not an oversight body per se, as the peak legislative body for councils the MAV plays a role in supporting and representing councils and the Victorian local government sector. It promotes good governance practices and assists councils in meeting their responsibilities.



Being a Councillor

Section **4**

The role of a councillor

Councillors individually and collectively as the governing body, are accountable to their community for the performance of the Council.

Being a councillor offers a chance to contribute in a meaningful way to your community, but it comes with challenges like managing conflicts of interest, addressing complex issues, and balancing community needs with regulatory responsibilities. The role demands commitment, hard work, and effective communication, navigating the delicate balance between the rewards of making things happen for your community and the challenges of governance and representation.

Under *Local Government Act 2020*, a councillor's role involves:

- Participating in the decision-making of the Council
- Representing the interests of the municipal community in decision-making
- Contributing to the council's strategic direction through the development of key strategic documents, including the council plan

When undertaking their role, a councillor must:

- Consider the diversity and interests of the municipal community
- Support the role of the Council
- Acknowledge and support the role of the Mayor
- Act lawfully and in accordance with the oath and affirmation of office
- Act in accordance with the Model Councillor Code of Conduct
- Comply with Council's good governance procedures

The role of a councillor does not include responsibilities or duties performed by the Chief Executive Officer (CEO).

Overall, councillors engage in collaborative efforts to shape policies, allocate resources, and address the diverse needs of their communities.

They play a pivotal role in guiding the formulation of strategic plans, local policies, establishing service standards and priorities, overseeing the performance of the CEO and the organisation.

Other responsibilities of councillors include determining the financial strategy and budget, allocating resources, and liaising with other levels of government, the private sector and non-government community groups.

A major task for councillors is to represent the whole municipal community and advocate on their behalf on a wide range of issues. Councillors provide an invaluable link between the community and the Council.

To establish and enhance a councillor's understanding of their role and responsibilities, all councillors must complete councillor induction training within four (4) months after they take the oath or affirmation of office and also participate in professional development training annually.

For more information about councillor training and development, see Section 4, Opportunities to learn.

How councillors serve their communities

Councillors are required to participate in a wide variety of activities, as an elected representative and as a member of the governing body of Council.

Councillors are answerable to their municipal community. Representing the whole community in decision-making means councillors need to consider all factors fairly, without bias or prejudgement.

Community engagement and accountability

Councillors champion a commitment to community engagement and accountability through their leadership, modelling best practice and decision-making.

Actively participating in civic and community events, councillors foster community connections and engage with community members to understand their values and needs. Additionally, they have a responsibility to respond to information requests and provide explanation as to their actions and Council's decisions and programs.

Advocacy and representation

Councillors play an active role in advocating for, representing and addressing the community's needs, within the Council and externally. They engage with residents, organisations, and businesses to gather input, advocate for the community, and collaborate to shape council policy.

Councillors will serve on various council committees, addressing matters such as planning, audit and risk, and community development initiatives. Additionally, they will collaborate with other levels of government through external committees, to lobby for resources, and build alliances to support local initiatives.

Councillors are duty bound to make decisions in the best interests of the whole municipal community. This obligation to the collective welfare takes precedence over the interests of individuals or specific segments of community.



Strategic planning

Councillors collectively play an important leadership role in setting the strategic direction of the Council through the development of key strategic planning documents.

Strategic planning entails defining an organisation's direction and allocating resources to pursue priorities. Councillors participate in strategic planning activities by ensuring the Council's strategic direction is aligned to the community's vision, determining the financial strategy and the allocation of resources through the budget process, and monitoring the operations of the Council.

The **Council Plan** developed every four years following a council election (and reviewed annually) is informed by the longer-term 10-year Community Vision. The Council Plan sets the strategic direction and objectives for the council's work and essentially serves as the blueprint for success for the councillor group during their term of office.

Other key strategic planning documents mandated for councils to have in place under the *Local Government Act 2020* are detailed in Section 3 (Strategic Planning).

When developing these key strategic planning documents, councils must have regard for the Act's overarching governance principles and the five supporting principles referred to in Section 3 (Council governance)

Specifically, the Strategic Planning principle requires councils to adopt an integrated, longer-term, and transparent approach to planning. For example, through the development and monitoring of the Council Plan, councillors are empowered to take a strategic leadership role, rather than focusing on the day-to-day operations, which fall under the responsibility of the CEO.

The Community Engagement principle, as a minimum requires councils to adopt and maintain a community engagement policy that includes **deliberative engagement practices** that are capable of being applied to the development of the community vision, council plan, financial plan and asset plan.

The process of consulting and preparing these strategic planning documents is the primary means by which councillors, through Council resolution, shape the direction of the Council.

Additionally, councils must prepare an annual report, containing information on Council Plan achievements, and strategic initiatives and audited financial statements. The Mayor is also tasked with reporting on the Council Plan's implementation by presenting the Annual Report at an open council meeting within four months of financial year's end.

Deliberative Engagement

(also referred to as deliberative democracy)

Deliberative democracy – A definition

Deliberation is a long and careful consideration or discussion. Public deliberation, when used with the term 'democracy' describes a group of everyday people considering relevant facts from multiple points of view, identifying options, and coming to a group decision. In many instances the deliberative group is randomly selected through an independent process that ensures they are descriptively representative of the demographics of the general population.

Deliberative democracy or public deliberation is about placing people (citizens, residents, affected individuals) closer to the affairs of government. It is being used in many countries to complement representative democracy; to provide elected representatives with well-informed advice on complex issues.

Public deliberation is one form of 'high influence' community engagement. The expectation is that the convening organisation will implement the recommendations to the greatest extent possible. However, it does not replace or take away from the decision-making powers of elected representatives.

Reference: A short guide to Deliberative Engagement in Victorian Councils by MosaicLab

Explore your Council's website to learn more about their key strategic policies, strategies, plans and engagement activities.

Debating and decision-making

Key decisions are made at council and committee meetings.

Councillors are required to attend regular council meetings where they discuss and vote on various matters, including budgetary issues, policies, and strategic plans. Prior to these meetings, councillors receive briefings, agendas, and relevant reports to read and consider. These reports from council officers, provide background information and advice on the issues.

It is the responsibility of a councillor to ensure they are properly informed in their decision-making. At council meetings, councillors will debate the issues, consider officer recommendations, and make considered decisions in the best interests of the whole community.

Councils' decision-making processes must be open, accessible, and transparent except in limited circumstances when confidentiality is required. Councils are required to adopt and maintain a public transparency policy, which must give effect to the Public Transparency principles outlined in the *Local Government Act 2020*.

Be informed and open minded. A councillor must prepare and approach decision-making at council meetings with an open mind.

Budgeting and financial management

Councillors approve the Council's annual budget. They regularly review financial reports, allocate resources, and ensure that the budget, the long-term financial plan and policies align to the Community Vision and Council Plan.

The budget process involves setting priorities and allocating funds to achieve the major initiatives in the Council Plan and to be undertaken in the financial year.

Councillors, at council meetings, monitor expenditure against the annual budget and the achievement of council objectives.

Councils must apply the Financial Management principles in the *Local Government Act 2020* to their financial policies and planning. In developing and applying financial management principles, councils should also have regard for the other principles in the Act. For example, strategic planning documents should be developed in line with financial management policies, should be subject to community engagement and address service delivery and public transparency.

To read more about council meetings refer Section 3 of this guide. For more information also see the Local Government Inspectorate's 'Councillors must have an open mind'



\$50 Million spent on public and street lighting

Strategic land use planning and development

Land use planning decision making can be a challenging and time-consuming responsibility for councillors.

Council's planning responsibilities are split between what are known as 'planning authority' and 'responsible authority' roles:

Council's planning authority role involves the development of local planning policy and amending the local planning scheme. The planning scheme sets out the planning vision, strategic directions and land use and development rules of the municipality.

In a planning scheme broad planning policies are articulated through the Municipal Strategic Statement and the Planning Policy Framework, while the rules and guidelines for land use and development are contained in zones and overlays and provisions for particular land use and development types. Each council, as the planning authority, is required to prepare and regularly review the Municipal Strategic Statement and local policy content to provide a policy basis for making decisions.

Arguably the most important planning role councillors have is developing and reviewing strategic land use and development policy for the municipality. It is an opportunity to positively shape the future of the community through visionary and long-term planning. Councillors must work with council staff, understand the needs of the community and be aware of current and emerging challenges strategic planning must address. Active participation in the development of local planning policy forms a sound strategic basis for decision-making on planning applications.

It is important for councils to regularly review and update their planning scheme to ensure it addresses important issues such as housing need, economic development, protection of environmental assets, and responding to climate change. It is important that council planning policies are clear and unambiguous to provide consistent decision making.

Council's responsible authority role is assessing and enforcing applications for land use and development against the planning scheme. As responsible authorities, councils assess and issue approximately 95% of planning permit applications made in Victoria every year. The vast majority of permits are decided by council's planning staff.

Councillors are sometimes faced with contentious development proposals. When an application comes before the council or planning committee, councillors must understand the decision involves a complex legislative framework, balancing competing strategic policy and often passionate debate in the knowledge that this decision will shape the community's future.

When deciding applications, councillors must prioritise the provisions and policies in the local planning scheme. Councillors should rely on the expertise of their planning department to navigate the complexities.

An important consideration for councillors and council officers as decision-makers in matters such as land use planning decisions, is avoiding 'actual or apprehended bias' – meaning they must ensure they don't appear to have made up their minds before hearing all sides. Ensuring the decision is reasonable and based on consideration of all the evidence.

At common law, procedural fairness generally requires that a decision-maker must act without bias or an appearance of bias. To satisfy this requirement, a decision-maker must be objectively considered to have an impartial and unprejudiced mind regarding the question they are required to decide. An apprehension of bias arises in circumstances where a fair-minded observer might reasonably suspect that the decision-maker might not be impartial.

Also refer Section 4: Other obligations and requirements - open and impartial decision-making.

Chief Executive Officer employment and performance

One of the most important decisions councillors take part in is the employment of a Chief Executive Officer (CEO).

It is the Council's role to appoint, manage and review the performance of the CEO. The CEO must be employed by the Council under a contract not exceeding five years.

The *Local Government Act 2020* requires councils to develop, adopt, and maintain a 'CEO Employment and Remuneration Policy.' This policy, must cover various aspects, including the Council's access to independent professional advice on matters to be dealt with in the Policy, recruitment and appointment processes, employment contract obligations, and procedures for performance monitoring and annual reviews.

Importantly, it should be noted that a councillor's role does not encompass the responsibilities or functions of the CEO.

The role of the Mayor and Deputy Mayor

Following an election, the councillors elect the Mayor from among themselves, and may choose to elect a Deputy Mayor.

The Council must decide whether a mayoral term is one year or two. In the event of a two-year mayoral or deputy term, amongst other considerations during the term, a council can declare the office vacant only if resolved by a three-quarters majority of the council.

In the City of Melbourne, the Lord Mayor is elected directly for a four-year term by the voters rather than council. In the City of Greater Geelong, the Mayor is elected by councillors, but this must be for a two-year term.

As well as the activities performed by all councillors, the role of the Mayor is to chair council meetings, be the principal spokesperson for the Council, and to act as a leader within Council supporting other councillors to fulfil their roles.

Mayors represent the Council at official events, lead engagement with the community on the Council Plan and report on its implementation annually. They play a crucial role in assisting councillors to understand their roles and promote behaviour consistent with the Model Councillor Code of Conduct. Moreover, the mayor takes a leadership role in ensuring regular review of the CEO's performance.

Under the *Local Government Act 2020*, mayors also have the power to:

- To appoint a Councillor to be the chair of a delegated committee
- To direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.
- To require the CEO to report to the Council on the implementation of a Council decision.

Key aspects of a mayor's role:

- To chair council meetings
- Lead regular reviews of the performance of the CEO
- Promote behaviour among councillors that is consistent with the Model Councillor Code of Conduct
- Assist councillors to understand their role
- Provide advice to the CEO when the CEO is setting the agenda for Council meetings
- Perform civic duties on behalf of the Council
- Report to the municipal community, at least once each year, on the implementation of the Council Plan
- Lead engagement with the municipal community on the development of the Council Plan
- Be the principal spokesperson for the Council

A council may establish an office of **Deputy Mayor**, who can then undertake the role and powers of the Mayor if they are unable to attend all or part of a council meeting, or unable to perform the role, or where the office of Mayor becomes vacant. If the office of Deputy Mayor is not established, then an **Acting Mayor** must be appointed by the Council.

A Councillor who becomes Mayor, Deputy Mayor or acting mayor must complete training within one month of being elected to the office. The structure and content of this training will be prescribed in local government regulations to be finalised October 2024 and is likely to include effective leadership skills, the role and responsibilities, meeting procedures, and conflict resolution.

Mayoral functions

While the Mayor essentially has the same roles and responsibilities as a councillor, they are also expected to exercise a leadership role. This is reflected in their additional responsibilities and mayoral activities.

Leader of the Council

The Mayor presides over council meetings, conducting meetings in accordance with governance rules and established conventions and protocols. Promoting high standards of democratic governance, the Mayor impartially chairs meetings, and in the case of a tied vote when they chair the meeting, holds the casting vote.

The Mayor also guides councillors on their role and conduct, promoting high functioning relationships between councillors irrespective of divergent views and personalities.

Enhancer of good governance

The Mayor is a symbol of democratic leadership to the community, the Council and council staff. The Mayor acts to create political stability within the elected council and to ensure effective and respectful communication between councillors and the CEO. This also involves providing guidance to councillors on their role, promoting councillor behaviour that is consistent with the Model Councillor Code of Conduct, and ensuring council meetings are conducted in line with the Council's governance rules.

In June 2024, provisions within the *Local Government Act 2020* were amended to strengthen the ability of the Mayor to promote behaviour that meets the standards expected of councillors and hold councillors to account for poor behaviour. It does so by clarifying, for the avoidance of doubt, that any reasonable steps taken by the mayor that are carried out in a reasonable manner to perform their role is not bullying.

Facilitator of the governing process

The Mayor leads for the whole Council, facilitating the participation and inclusion of all councillors and ensuring effective communication and respectful relationships among councillors. The Mayor puts the interests and harmony of the Council first and takes ultimate public responsibility for the Council's performance.

Builder of external and media relations

The Mayor actively cultivates and maintains key stakeholder relationships with other mayors, state and federal government parliamentarians and executives, community and business leaders and the media.

The Mayor is the principal public spokesperson for the Council, announcing and speaking about decisions and activities, and promoting Council and community interests.

Promoter of civic and institutional pride

The Mayor assumes the role of Council's ambassador in social, cultural, political, and business matters, presiding over key civic functions, maintaining an active Council presence within the municipality, and ensuring it's represented at significant events. The Mayor welcomes formal visitors and delegations to the municipality; presides over local citizenship ceremonies; opens exhibitions, events, demonstrations, and ceremonies; presents awards; and visits schools and community groups

Supporter and engager with the community

The Mayor is the public face of the Council and displays public leadership in times of emergency management and disaster. The Mayor is accessible, visible and approachable.

The Mayor leads the engagement with the community on the Council Plan and reports on its implementation by presenting the annual report at a Council meeting open to the public.



Working with the CEO and Council staff

The success of any council depends on a collaborative and respectful working relationship between the Mayor, councillors, the CEO, and council staff. Each group plays a crucial role in achieving the best possible outcomes for the community.

Councillors collectively set the policy direction for the Council. Relying on expert advice from the CEO and council staff, councillors deliberate and vote on decisions impacting the community. A CEO is the only staff member appointed by the Council, with the CEO responsible for all other council staff.

The CEO

Oversees the day-to-day operations of the Council

Provides strategic advice and guidance to the Council

Implements council decisions effectively and efficiently

Supports the Mayor, including agenda setting and reporting on decisions upon request

Leads and manages all council staff (directly or through delegation)

Council staff

Provide accurate and timely information to the Council

Support councillors in their decision-making processes

Implement council-approved policies, plans, and strategies

Deliver council services and programs

Under the *Local Government Act 2020* it is an offence for a councillor to direct or seek to direct council staff in their duties and the CEO must ensure practices are in place to guide the interactions between councillors and council staff and is responsible for establishing key staffing policies.

A CEO also has specific responsibilities under the *Occupational Health and Safety Act 2004* for workplace health and safety, this includes councillors, staff, and public safety in the Council chamber and reasonable actions to mitigate health and safety risks. Additionally, the CEO is tasked with fulfilling Council's responsibilities as a deemed employer with respect to councillors, who are recognised as workers under the *Workplace Injury Rehabilitation and Compensation Act 2013*.

A Council must indemnify their CEO and staff for actions taken in good faith while performing their duties. For the vast majority of councils this is achieved through the liability mutual insurance scheme operated by the MAV, and other indemnity insurance e.g. councillor and officers' liability coverage.

A shared commitment to the Council's values and goals is crucial. All parties deserve and must offer mutual respect. By understanding each other's roles and fostering a collaborative and respectful environment, the Mayor, councillors, CEO, and council staff can work together to achieve the best possible outcomes for their community.

Working with fellow councillors

Councillors do not make decisions on their own; they work as a 'Council' team, making decisions collectively at properly constituted council meetings. While agreement on everything isn't necessary, an appreciation of the democratic process and effective teamwork involves building relationships, constructive influence, and respectful debate between councillors.

Decision making can be a complex and dynamic process, with individuals guided by their informed view and experiences. To be influential in the collective decision-making for the benefit of the whole municipal community, strong communications and interpersonal skills are important qualities for an effective councillor.

Collaborating with fellow councillors extends beyond Council decision-making. As part of the Council team throughout the four-year term, a councillor will engage with fellow councillors in a diverse range of team activities, including civic events, workshops, briefings, professional development and team-building activities.

Working with community

Councillors are the representative link between the community and their council. Councils make decisions about a diverse range of community needs, from parks to planning. To cater for these needs, transparent and well-managed community engagement can help to better inform the development of council policies, plans, strategies, programs and projects.

Councils must adopt and maintain a community engagement policy. This policy must amongst other matters be developed in consultation with the community and give effect to the community engagement principles listed in the *Local Government Act 2020* (refer Appendix B).

Councillors play an important role in their council's community engagement activities by advocating for public participation and ensuring ample opportunities for community input.

They communicate the value of engagement, gather and share feedback and support the Council's deliberative engagement efforts in the development of key plans required under the *Local Government Act 2020* (the Community Vision, Council Plan, Financial Plan, Asset Plan).

A councillor's ethical obligations and conduct

Councillors play a vital role in serving and making decisions for their local communities. To do this effectively, they need to uphold the highest standards of behaviour to ensure they do not erode the public's trust and confidence in the Council and local government.

The following provides an overview of conduct obligations relevant to the role of a councillor prescribed by the *Local Government Act 2020* and the *Local Government (Governance and Integrity) Regulations 2020**, which is secondary legislation made under the *Local Government Act 2020*.

**The regulations are currently under review and scheduled for finalisation in October 2024.*

Oath of Office

A person elected to be a councillor cannot act as a councillor until they have taken an oath or affirmation of office. This requirement is administered by the CEO, and typically occurs at a swearing in ceremony at a meeting of the council following the person being declared elected.

The oath of office requires a person to swear or affirm as follows:

Oath or Affirmation of Office*

"I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement."

**As part of the review of regulations scheduled for finalisation October 2024, the wording in the Oath may change.*

The oath or affirmation reinforces the importance and seriousness of the office of a councillor.

The office of a councillor becomes vacant if an elected individual fails to take the oath or affirmation within 3 months from the day on which they were declared elected.

Personal Interest Returns

In line with the *Local Government Act 2020* overarching governance principles of ensuring decisions and actions of a council are transparent, decision-makers (this includes councillors, delegated committee members and council officers) must regularly declare their personal interests and disclose conflict of interests when they have a private interest that may impact their ability to act impartially.

To ensure transparency and accountability, councillors within 30-days of taking the oath or affirmation must submit to the CEO an initial personal interests return detailing their shareholdings, trusts, business associations and other private interests as prescribed in *Local Government (Governance and Integrity) Regulations Act 2020*. A summary of these returns must then be made available on the council's website and further returns must be completed by a councillor twice a year, in March and September.

A councillor must ensure they submit their personal interest returns in line with the prescribed timeframes.

The Chief Municipal Inspector (the head of the Local Government Inspectorate) will likely soon have the power to serve infringement notices for personal interests related offences under the *Local Government Act 2020*. The types of offences and their respective penalty amount will be prescribed in the regulations scheduled for finalisation October 2024.

For more information about Personal Interest Returns, visit the Local Government Inspectorate (LGI) website [Fact sheets and report summaries](#)

Conflicts of Interests

Recognising and disclosing conflicts of interest is vital to ensuring transparency, accountability and the public's trust in local government.

A conflict of interest arises when an individual is in a position where their personal interests or loyalties to others could potentially influence their ability to make impartial decisions in a particular situation. For a councillor recognising conflicts of interest and stepping aside from decision-making demonstrates to the public they have acted with impartiality and integrity in representing the public interest.

A councillor has a conflict of interest if they or a person or entity they are close to could benefit or be seen to benefit from a decision or action they could make in their official capacity as a councillor.

Whilst it is not an offence for a councillor to have a conflict of interest, a councillor who fails to identify, disclose and step aside from a decision-making process in a matter where they have conflict of interest will be in breach of the *Local Government Act 2020*.

The obligation to disclose is a personal responsibility and each councillor must monitor their own circumstances and identify their conflict of interests. The Act prescribes two types of conflicts of interest 'material' and 'general', and when interests must be disclosed, for example at a council meeting. The Act also specifies matters exempt from the conflict of interest disclosures.

Conflict of Interest requirements are detailed in Division 2 (Conflict of Interest) of the Act. A Council's Governance Rules will also include provisions about 'conflict of interest' disclosure procedures and information will also be provided to councillors as part of the mandatory councillor induction training.

It is the role of the Local Government Inspectorate (LGI) to receive and investigate conflict of interest complaints and issue prosecution proceedings. Failing to disclose a conflict of interest in accordance with the Act can result in a criminal prosecution in a court, and/or Councillor Conduct Panel proceedings and sanctions imposed on the councillor.

For more information about conflict of interest for councillors, visit the Local Government Inspectorate (LGI) website [Fact sheets and report summaries](#).

Councillor Induction Training

All councillors including returning/former councillors re-elected for another term must complete mandatory councillor induction training within four (4) months after the day they take the oath or affirmation of office.

The Council's CEO will organise the induction training in line with the prescribed content detailed in the *Local Government (Governance and Integrity) Regulations 2020** and the training will cover the roles of mayors, deputy mayors, and councillors, CEO responsibilities, established practices for councillor and staff interactions, the governance principles, standards of conduct, distinctions between misconduct levels, an overview of internal arbitration and Councillor Conduct Panel processes under the *Local Government Act 2020*, as well as engagement with traditional landowners, promotion of gender equality, diversity, and inclusiveness, and any other governance and integrity matters identified by the CEO.

A councillor must make a written declaration before the CEO that they have completed the training.

The Act also mandates professional development training is to be completed by all councillors each year of their term, beginning in the full calendar year following an election.

**The regulations are under review and scheduled for finalisation in October 2024.*

Model Councillor Code of Conduct

Changes to the *Local Government Act 2020*, introduced in June 2024 included a Model Code of Conduct which all Victorian councillors must commit to and abide by. Previously, each council was required to develop its own Councillor Code of Conduct, which had to include standards of conduct prescribed in the *Local Government (Governance and Integrity) Regulations 2020*.

The Model Councillor Code of Conduct requirements will now be prescribed in the regulations, currently under review and scheduled for finalisation, October 2024 and it's anticipated that these regulations will build upon the current standards of conduct, which are detailed on the next page.

Each councillor bears personal responsibility for adhering to the Model Councillor Code of Conduct and to regularly review their personal conduct in line with the Code. Failure to comply with the Model Councillor Code of Conduct constitutes misconduct.

Serious misconduct breaches of the Model Councillor Code of Conduct can carry significant penalties including suspension, dismissal, and disqualification from holding the office of Mayor or standing at future council elections.

Misconduct and how breaches are addressed under the Local Government Act 2020 can be found further in this section under Councillor Conduct Framework.



43,000 food
safety premises
registered

Schedule 1, Local Government (Governance and Integrity) Regulations 2020 – Standards of Conduct

1 Treatment of others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor—

- a. takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010; and
- b. supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- c. does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- d. in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

2 Performing the role of Councillor

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor—

- a. undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and
- b. diligently uses Council processes to become informed about matters which are subject to Council decisions; and

- c. is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- d. represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

3 Compliance with good governance measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following—

- a. any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- b. the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- c. the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act;
- d. any directions of the Minister issued under section 175 of the Act.

4 Councillor must not discredit or mislead Council or public

1. In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.
2. In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

5 Standards do not limit robust political debate

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

Please note: this is currently under review by the State Government. The regulations currently under review and the above subject to change. For more information visit [this link](#).

Improper Conduct

In addition to observing the Model Councillor Code of Conduct, the *Local Government Act 2020* prohibits councillors from certain improper conduct.

This conduct relates to:

- misuse of position,
- directing a member of council staff, and
- confidential information

The **misuse of position** provisions in the Act are outlined in Section 123. In summary, a councillor is prohibited from using their position as a councillor for any purpose other than carrying out their official duties and responsibilities.

It is an offence for a councillor to misuse their position to:

- gain an advantage for themselves or someone else. This includes for example, using their position to influence a Council decision in favour of a family member's business; or
- cause detriment (harm) to the Council or another person. For example, actions that lead to financial loss, reputational damage, or other negative impacts.

Participating in a decision where a councillor has a conflict of interest, using council resources for personal gain, directing or improperly influencing a member of council staff, or disclosing confidential information for unauthorised purposes, are examples which would be considered a misuse of position.

Section 124 of the Act deals with **directing a member of council staff**. It prohibits a councillor from intentionally directing or seeking to direct staff in specific situations.

For example: Staff have certain statutory duties and powers under the *Local Government Act 2020* and other Acts and a councillor cannot direct them in fulfilling or not fulfilling these. A councillor cannot direct or influence a staff member's advice to the Council or its committees, including advice in a report to Council.

'**Without fear or favour**', council staff must be able to fulfill their duties impartially, provide advice based on expertise and relevant legislation, free from undue influence from councillors. The CEO is responsible for managing staff, and councillors must engage with them in line with the interaction policies, practices and protocols established by the CEO.

Section 125 of the Act aims to protect **confidential information** from unauthorised disclosure either intentionally or recklessly by councillors, committee members and council staff.

Confidential information includes:

Council business information	This includes information, if released prematurely, could prejudice a council's position in commercial negotiations.
Security information	This encompasses information, if released, could endanger the security of a council's property or the safety of individuals.
Land use planning information	Where such information, if prematurely released could encourage speculation in land values.
Law enforcement information	Where such information, if released could prejudice an investigation, fair trial or hearing of any person.
Legal privileged Information	Being information to which legal professional privilege or client legal privilege applies.
Personal information	Which include information that could unreasonably disclose details about an individual and their personal affairs.
Private commercial information	This category protects information that constitutes trade secrets or information, that if released, could unreasonably expose a business, commercial, or financial undertaking to disadvantage.
Confidential council meeting information	This encompasses records of a closed council meeting authorised under the Act.
Internal Arbitration information	Related to internal arbitration processes concerning alleged misconduct by councillors.
Councillor Conduct Panel Confidential information	This pertains to information considered confidential by a Councillor Conduct Panel, which investigates potential misconduct by councillor.
Information prescribed by regulations	The Act allows additional categories to be designated through separate regulations.
Information previously considered confidential	Under the previous <i>Local Government Act 1989</i> .

Anyone who is, or has been, involved with the Council (this includes councillors, committee members, and council staff) is prohibited from intentionally or recklessly disclosing confidential information. However, there are specific circumstances where disclosure of such information is allowed, for example if the council determines the confidential information should be publicly available, or it's required for legal proceedings or for the purposes of an internal arbitration process.

The Local Government Inspectorate (LGI) is responsible for investigating alleged breaches of the *Local Government Act 2020*, including misuse of position, conflict of interest and disclosure of confidential information. Offenders can face significant penalties, including suspension and disqualification of individual councillors.

For information about the Local Government Inspectorate (LGI), their website can be found here www.lgi.vic.gov.au

Councillor conduct framework

The *Local Government Act 2020* establishes a councillor conduct framework that provides for the management of councillor conduct issues.

Under the councillor conduct framework:

- Complaints of misconduct by a councillor are heard and determined under the council's internal arbitration process by an independent arbiter.
- Complaints of serious misconduct by a councillor are heard and determined by councillor conduct panels.
- Allegations of gross misconduct are dealt with by Victorian Civil and Administrative Tribunal (VCAT).

Misconduct by a Councillor is any breach of the Model Councillor Code of Conduct.

Serious misconduct by a councillor includes:

- Failure to comply with council's internal arbitration processes/comply with direction given by an arbiter after completing internal arbitration;
- Failure to attend a Councillor Conduct Panel hearing/comply with direction given by the Councillor Conduct Panel;
- Continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor;
- Bullying/sexual harassment of another Councillor or member of Council staff;
- Disclosure of information the Councillor knows, or should reasonably know, is confidential information;
- Contravening the requirement that a Councillor must not direct or seek to direct a member of Council staff; and
- Failure to disclose conflict of interest and exclude themselves from decision making when required.

Gross misconduct means behaviour that demonstrates a councillor:

- is not of good character; or
- is not a fit and proper person to hold the office of Councillor, including sexual harassment or behaviour of an egregious nature.

How are alleged councillor conduct breaches actioned?

A councillor, group of councillors, or the Council by resolution* may apply to have an alleged breach of conduct actioned. This application is made to the Principal Councillor Conduct Registrar, who is independent from the Council and appointed by the Secretary of the Department of Government Services.

The Registrar if satisfied that a complaint is not vexatious and is supported by evidence, will either appoint an arbiter to conduct an internal arbitration process for the Council, or for serious misconduct a councillor conduct panel. In both cases, the Council must fund the costs of the arbitration or panel.

Arbitration and panel processes can lead to outcomes including directing a councillor found in breach of the conduct standards to make an apology, undertake training, or temporarily be suspended or stood down from Council or roles within the Council.

The Local Government Inspectorate (LGI), the Victorian Ombudsman, and the Independent Broad-based Anti-corruption Commission are also able to investigate the conduct of councils, councillors, and council staff.

The Chief Municipal Inspector, the head of the LGI, is also responsible for investigating and making applications to VCAT for findings of gross misconduct against councillors and also has power to investigate and initiate applications for councillor conduct panels to be established to determine allegations of serious misconduct by a councillor.

Findings of gross misconduct can result in a councillor being disqualified from holding office for up to eight years.

Where there are concerns of ongoing conduct issues, the Local Government Minister can appoint a municipal monitor or commission of inquiry to observe and report back on the processes of a council, as well as provide advice to the council itself.

In the most serious circumstances, the Parliament of Victoria has the power to dismiss an elected council and appoint administrators to act in the equivalent role of councillors.

On the recommendation of the Local Government Minister, the Governor in Council may suspend a councillor for up to 12 months if the Minister is satisfied, on receiving advice from a municipal monitor or a commission of inquiry, that a councillor is creating a serious risk to health and safety at the council or is preventing the council from performing its functions.

**A council resolution is the final majority decision of the Council, in regard to a council meeting agenda item as per section 59(2) of the Local Government Act 2020.*

Internal dispute resolution processes

Separate from allegations of breaches of the Model Councillor Code of Conduct, differences in opinions and interpersonal conflicts among councillors may arise. When such situations occur, it is crucial for councillors to endeavour to resolve these concerns in an informal, courteous, and respectful manner, with the aim of maintaining effective working relationships and recognising their duty to represent the best interests of the community.

As a councillor, you will receive information about the council's internal dispute resolution processes and available support services. These may include a requirement for self-resolution, where councillors raise their concerns directly with their colleagues and attempt to resolve the issue amicably. Additionally, councillors maybe required to seek guidance from the Mayor, and the Mayor may facilitate a discussion between the parties. The Council, through the CEO may also engage independent external counselling and mediation services to assist councillors to use their best endeavours to resolve the matter.

For more detail about the process of suspension on a councillor refer to Part 7 of the Local Government Act 2020.

Other obligations and requirements

Open and Impartial decision-making

Open and impartial decision-making is essential for councillors when deliberating on council matters. While it is necessary for councillors to remove themselves from decisions where they have a conflict of interest, as required by the *Local Government Act 2020*, their responsibilities extend further. The community entrusts councillors to make decisions in the interests of the whole community, rather than for any individual or group interest.

Councillors must approach decisions free of prior judgement or prejudice. It does not mean a councillor cannot hold a view on a matter. However, they must give fair consideration to alternative views, and options before voting, ensuring their decisions are free from bias.

Bias can be actual or apprehended. For example - **Actual bias** could occur where a councillor publicly indicates they will vote in favour of a proposed development before hearing opposing submissions. **Apprehended bias** may, for instance, arise when a councillor, during an election campaign, demonstrates their opposition to a specific matter indicating an unwillingness to change their position when the matter comes before the Council for a decision. In such cases, a councillor must exclude themselves from the final decision as they have demonstrated they cannot bring an open mind to the matter.

Being perceived as fair is as important as actual fairness. Councillors frequently engage with community members to discuss certain issues prior to a Council decision, particularly in relation to planning matters. However, decision-makers must be seen as approaching decisions with an open mind. While a councillor is entitled to have a preliminary view on an issue, they must be willing to hear and consider all of the options available before reaching a conclusion.

For more information refer to Local Government Inspectorate (LGI) website [Councillors must have an open mind](#) and on the Local Government Victoria (LGV) website a guide to [unbiased decision making guide](#).

Access to Council information

The Local Government Act 2020 requires all councils to adopt and maintain a **Public Transparency** Policy. This policy details the council's commitment to the Act's Public Transparency principles, and the types of council information which must be publicly available including policies, plans and reports required under the Act or any other Act. Additionally, the policy will describe the ways in which other information held by the council can be accessed by the public.

Councillors are entitled to receive relevant information necessary to carry out their duties. However, it's important to note that this entitlement to the Council's information has certain boundaries, including those referred to earlier in this section regarding confidential information requirements under the Act.

Councillors receive information through council agendas, reports and briefings. Additionally, they may seek supplementary information to ensure they can form a well-informed view prior to a decision on a matter at a council meeting or to address information enquiries they may receive from community members.

It is the responsibility of the CEO to establish protocols and procedures for handling of councillor information requests. These protocols and procedures ensure the protection of council-held information from inappropriate access, misuse, breaches of confidentiality and violations of privacy laws. By upholding these protocols and procedures, councils and councillors ensure the integrity and security of the information within Council's possession and enable a councillor to carry out their duties responsibly and effectively in line with their responsibilities under the Act.

Media management

While engaging with the media can be highly beneficial for councillors in terms of transparency and community outreach, it also requires careful consideration of the potential risks and responsibilities to ensure effective ongoing communication and representation in the interests of the community.

Media relations are integral to a council's operations, as media organisations are an important source of information for the community. Councils typically have in place frameworks and policies for engaging with the media, encompassing print, radio, television, digital and social media, and with communication staff whose role is to facilitate effective communication between the council and media.

The Mayor is the primary (official) spokesperson on decisions of the Council and the CEO typically handles all operational matters.

Whilst councillors have a right to engage with the media, they must take into account the requirements of the Model Councillor Code of Conduct, a council's media and other good governance policies. When a councillor holds personal views that may differ from the official Council position, they should clearly indicate this when expressing such views publicly.

Social media platforms offer opportunities for councillors to engage with their communities in a less formal setting. However, it's essential for councillors to remain mindful of the requirements of the Model Councillor Code of Conduct and their council's policies, even in these digital spaces.

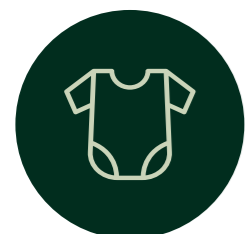
Councillors should avoid posting or sharing anything online or on social media that they wouldn't feel comfortable saying or sharing in a public meeting. The Model Councillor Code of Conduct and relevant legislation applies online and in social media. If you refer online in any way to your role as a councillor, you may be considered to be acting in your 'official capacity' and behaviour could be subject to the Model Councillor Code of Conduct.

There is also a risk of encountering a lack of civility on social media, as well as the potential for content to be misunderstood or misused, and the dissemination of misinformation and disinformation. This is especially concerning given the rapid evolution of social media content and limited controls on some platforms. Once posted, content is nearly impossible to control and can be altered without your permission, used in various contexts, or widely redistributed.

Additionally, councillors must carefully consider how their public comments may impact their ability to fulfill their duties impartially, as such statements can influence public perception and trust over time.

Misinformation is false or inaccurate information – getting the facts wrong.

Disinformation is false information which is deliberately intended to mislead – intentionally misstating the facts.



71,000+ first home visits to newborn babies by Maternal and child health

Gift policy

To maintain public trust, councillors must act with integrity and transparency when offered gifts, benefits and hospitality.

Councillors must not solicit, demand or request gifts or benefits for themselves or others, as this may be considered a misuse of their position under the *Local Government Act 2020*.

Councils must establish and maintain a **councillor gift policy** and register, detailing any gifts, benefits and hospitality accepted or declined by councillors. The policy and register serve as important tools for promoting transparency and accountability.

In line with the gift policy requirements, it is a councillor's duty to disclose any gifts or benefits accepted or declined in connection with their role, whether received directly or indirectly from individuals, organisations, or businesses.

When accepting gifts or benefits, councillors must also exercise prudence to avoid potential conflicts of interest. They need to carefully consider whether accepting a gift could compromise their impartiality or the community's best interests. The Act prescribes that a material conflict of interest shall exist for '**disclosable gifts**', which are defined as one or more gifts with a total of \$500 or more received from a person, in the preceding five years. Exclusions apply for hospitality received at a function/event in an official capacity as a councillor.

Councillors are also prohibited from accepting money or the equivalent, or anonymous gifts.

Failure to comply with the councillor gift policy may be considered misconduct.

Failing to disclose a conflict of interest in accordance with the Act can result in a criminal prosecution in a court, and/or Councillor Conduct Panel proceedings and sanctions imposed on the councillor.

To ensure councillors fulfill their duties effectively and ethically, guidance and training is provided on responsibilities concerning gifts and conflicts of interest as part of the councillor induction program.

Fraud and corruption

Councils are entrusted with significant public funds and assets, and the community should have confidence that these resources are adequately protected from fraud and corruption.

In accordance with public sector regulation, councils have established frameworks consisting of policies, plans and public interest disclosure procedures that outline accountabilities for the prevention, detection and reporting of fraud and corruption at all levels of the organisation.

As the Council's governing body, collectively councillors must remain vigilant to the risk of fraud and corruption within the organisation and its operations. Through active participation in decision-making and support for the functions of the council's audit and risk committee, councillors contribute to ensuring transparency and accountability within the Council. This may involve advocating for transparent procurement processes, supporting robust financial controls, and advocating for regular audits to mitigate the risk of fraud and corruption.

Councillors are also individually responsible for actively fostering a culture of honesty, integrity, and transparency by adhering to all relevant laws and council policies related to fraud and corruption prevention. This includes compliance with provisions in the *Local Government Act 2020* and any other applicable legislation.

If councillors become aware of any suspicion of fraud or corruption within the council, they have a responsibility to promptly report this activity to the appropriate authorities. This may involve notifying the council's audit and risk committee, the CEO, or external bodies such as the Independent Broad-based Anti-corruption Commission (IBAC). Councillors may also need to co-operate fully with any investigations.

Explore your Council's website for more information about their fraud and corruption control policies and reporting procedures.

Qualification to be a councillor

To be a councillor in Victoria, a person must be:

- ✓ at least 18 years old
- ✓ an Australian citizen or eligible British subject, and
- ✓ enrolled on the voters' roll for the council, and must not be disqualified from being a councillor

A person is not qualified to be a councillor or continue to be a councillor, if the person:

- ✗ is a member of the Parliament (Commonwealth, Victorian or another State/Territory)
- ✗ is employed as a ministerial officer, a parliamentary adviser or an electorate officer and has not taken leave for the election period
- ✗ is a councillor of another council
- ✗ is a member of council staff of the Council and has not taken leave for the election period
- ✗ is an undischarged bankrupt
- ✗ has property that is subject to control under the law relating to bankruptcy
- ✗ has failed to take the oath or affirmation of office of councillor when required under the *Local Government Act 2020*.
- ✗ has been disqualified from being a Councillor after a finding by VCAT of gross misconduct, while the disqualification period is in force
- ✗ is the subject of an Order/s under section 34A that has not been disallowed by a resolution of either House of Parliament
- ✗ has been subject to 2 or more Orders under section 229A in the preceding 8 years and during other specified circumstances
- ✗ has been subject to 2 or more findings of serious misconduct by separate councillor conduct panels in the preceding 8 years and during other specified circumstances
- ✗ has been convicted of the offence of failing to lodge an election campaign donation return in relation to the current term of the Council
- ✗ has been convicted of an offence against the *Local Government Act 2020* in the preceding 8 years for which the maximum penalty is at least 120 penalty units or a period of imprisonment of at least 2 months
- ✗ has been convicted of an offence in the preceding 8 years, committed when the person was of or over 18 years of age, which is punishable upon first conviction for a term of imprisonment of 2 years or more
- ✗ is disqualified from managing corporations under the Corporations Act.

Recent amendments to the Act also enables the Governor in Council, to disqualify a person from standing at future council elections on the recommendation of the Minister.

This can only occur if:

- The council to which the person was elected to was dismissed during their term as a councillor; and"
- The Minister is satisfied, on receiving advice from a municipal monitor or commission of inquiry, that the person created a serious risk to health and safety at the council or prevented the council from performing its functions during their time as a councillor

Should a councillor become aware that they no longer meet the qualifications to hold office as a councillor, they must immediately give written notice to the Council's CEO that they have ceased to be qualified.

For more information about qualifying to be a councillor refer to *Local Government Act 2020, section 34 and 34A*.

Please note additional information about candidate eligibility and nomination requirements in Section 5 of this guide.

Ceasing to be a councillor

All councillors go out of office at 6 am on the day of the general (council) election.

The office of a councillor is also vacated under the following circumstances:

- If the councillor no longer meets the qualifications for holding office.
- If the councillor passes away.
- If the councillor submits a written resignation to the CEO.
- If the councillor is removed from office.
- If the councillor is absent from council meetings for four consecutive months without obtaining leave from the council.

A councillor can resign their office as a councillor in writing delivered to the CEO. They cannot revoke their resignation after it has been delivered.

If a councillor resigns or cannot complete their term, to fill the vacancy, a by-election or countback may need to be conducted by the Victorian Election Commission (VEC).

The expenses associated with council elections, including general, by-elections and countbacks as borne by the respective council.

For more information about ceasing to be a councillor refer to the *Local Government Act 2020, section 35*.



11,000 tobacco inspections carried out

Councillor entitlements, support and commitment

Allowances

Mayors, deputy mayors and councillors receive an allowance which is determined independently of councils. This allowance is set by the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.

Allowances are not intended to be a form of salary or equivalent to remuneration. Instead providing an allowance acknowledges the contributions mayors, deputy mayors, and councillors make as they fulfill their roles.

The Tribunal assigns each council to a 'Council Allowance Category'. There are four allowance categories established by the Tribunal. With the exception of Melbourne City Council, councils are assigned to either Categories 1, 2 or 3 based on a formula that takes account of the council's revenue and the population size of the municipal area. Melbourne City Council, as the capital city of Victoria is assigned to Category 4.

The base allowances for mayors, deputy mayors and councillors are subject to annual adjustments. Additionally, mayors, deputy mayors and councillors who reside in remote areas are entitled to receive a remote area travel allowance.

The allowances are inclusive of any Superannuation Guarantee Contribution amount, or equivalent, that may be payable under Commonwealth law and are subject to tax and may affect your assessable income for tax purposes.

Typically, the allowances will be paid on a periodic basis throughout the annual period, with instructions on payment frequency and processing provided by the council as part of a councillor's induction.

For more information about the base allowance rate, remote travel allowance rate and council allowance categories to which each council has been assigned refer to Victorian Independent Remuneration Tribunal, [Allowances for Mayors, Deputy Mayors and Councillors](#).

Expenses, resources and support

In addition to the allowances, the *Local Government Act 2020* provides for councils to reimburse councillors for bona fide out-of-pocket expenses that have been reasonably incurred and are reasonably necessary for a councillor to perform their role.

Councils must adopt and maintain an expenses policy for councillors and for members of delegated committees which specifies procedures for reimbursement, compliance with reporting regulations in relation to reimbursement of expenses and has regard for childcare and other caregiving expenses where a councillor is in a carer relationship.

Additionally, councils must make available to the Mayor and the councillors, resources and facilities reasonably necessary to enable them to effectively perform their roles, including supports required due to disabilities.

The extent of expenses, resources, and support provided may vary among councils, with each council determining which expenses to cover and what facilities to offer.

Councillor expenses covered may include:

- Attendance at training courses
- Participation in conferences
- Travel to and from meetings, conferences, and training sessions
- Provision of accommodation, meals, and refreshments during council-related activities
- Reimbursement for phone calls and internet usage associated with councillor duties
- Support for childcare and other caregiving expenses

Furthermore, councils may also provide amenities to councillors such as computers, mobile phones, stationery, or administrative support. Councils are also required to provide support for mayors, deputy mayors and councillors with disabilities or special needs to access necessary services and information to fulfill their roles.





Opportunities to learn

As a councillor, one of the rewards is participating in a diverse array of professional development activities, including leadership training and local government networking events.

While councillors, as representatives of their communities, bring a vast amount of skill and experience to the role, it is also essential to recognise the role of councillor requires ongoing learning and the acquisition of new skills to navigate the complexities and keep up with the ever-changing nature of local government.

The training offered throughout a councillor's term will include programs tailored to the demands of local governance, such as understanding financial budgetary processes, engaging with diverse community stakeholders, and navigating complex planning policy decisions.

Under the *Local Government Act 2020*, councillors are required to participate in mandatory induction and professional development training annually. All councillors must complete councillor induction training, arranged by the Council CEO, within four months of taking the oath or affirmation of office and must undertake prescribed professional development training annually throughout the 4-year term.

Mayors, deputy mayors and acting mayors are also required to participate in mandatory mayoral training within one month of being elected to the office.

Furthermore, councils will also seek a councillor's input into their training needs to fulfill the role and provide support in line with council policy, for your participation in professional development activities.

The MAV, other peak bodies and local government sector partners provide an array of professional development support for councillors, including training courses and events.

The MAV learning and events activities include:

- Councillor Development Program
- Company directors' course
- Mayoral program

For more information about the councillor training and development activities offered by MAV, refer to the MAV website, [Learning and Events](#).

Time commitment

Being a councillor entails an opportunity and a responsibility that requires dedication and a significant commitment of time.

The amount of time required by a councillor may vary greatly. On average, many councillors dedicate around 20 hours per week to council activities. However, this commitment fluctuates depending on the councillor and arrangements within their council.

Councillors are tasked with various responsibilities, including preparing for and attending council meetings, briefings, committee meetings, civic events, and engaging with and responding to community member issues.

Council and committee meetings may consume a full day per week or extend into multiple nights. Additionally, councillors must set aside time for reviewing agenda and business papers, as well as responding to phone calls and correspondence. Mandatory training sessions are part of a councillor's obligations, with voluntary opportunities available for other event attendances at their discretion. Furthermore, councillors may receive requests to attend meetings of external organisations.

Accessibility to community members is also important, and councillors should expect to dedicate time to meeting with local associations and business groups.

Councils typically hold monthly Council meeting cycles, though the exact frequency varies. If a councillor is absent from Council meetings for a period of four consecutive months without obtaining leave from the Council the councillor's office automatically becomes vacant.

The time commitment of councillors will also be influenced by the geographic size and population of their municipal area.

For mayors the commitment is often full-time, as they also partake in media activities, meet with political, business and community representatives, officiate at civic functions, like citizenship ceremonies, and perform other duties alongside their meeting preparations and chairing responsibilities such as intergovernmental relations and advocacy activities.



Council elections and candidate requirements

Section **5**

Local Government Elections 2024

Councillors are answerable to their municipal community. Representing the whole community in decision-making means councillors need to consider all factors fairly, without bias or prejudgement.

By-elections and countbacks are conducted to fill vacancies between general elections if a councillor resigns or cannot complete their term.

The next general election will be held in **October 2024** for every local council except Moira Shire Council.

The *Local Government Act 2020* provides for the Minister for Local Government to determine whether the voting system to be used for general elections and by-elections is postal voting or attendance voting. The Minister has determined that the voting system for the October 2024 council elections will be conducted through postal voting.

In October 2024, of the 79 Victorian councils 78 will proceed to general elections. This includes Whittlesea Shire Council and Casey City Council, whose last general elections were held in 2016. These councils were dismissed by Acts of Parliament in early 2020 and have since been overseen by Victorian Government-appointed administrators. Whittlesea and Casey will now conduct elections to elect councillors to replace administrators in 2024.

However, Moira Shire Council, dismissed in March 2023, will continue to be administered until the subsequent general elections in October 2028.

The Victorian Electoral Commission (VEC) is an independent and impartial body established under *Victoria's Electoral Act 2002* and conducts all Victorian local council elections.

The electoral process for council elections typically involves the following steps:

1. Eligible voters must ensure they are registered on the electoral roll for the local council area.
2. Individuals interested in standing as a candidate for election must nominate themselves during the nomination period specified by the Victorian Electoral Commission (VEC). Candidates must meet certain eligibility criteria and submit a nomination form along with any required documentation and fees.
3. Candidates campaign to promote their platforms and seek voter support in their council area. This may involve attending public forums, distributing campaign materials and engaging with voters through various channels.
4. The VEC will provide registered voters with ballot papers listing the candidates running for an election in their council area, with return postal envelopes and due date instructions.
5. After the close of voting the votes are counted by the VEC, the results are declared, and successful candidates are announced.
6. Successful candidates are sworn in at an official ceremony and will commence their four-year term as a councillor after taking the oath or affirmation.

Electoral structures

Section 3 of this guide provides an overview of the arrangements for determining councils' electoral structures under the *Local Government Act 2020*, and [Appendix B](#) provides a summary listing each council's electoral structure and number of councillors.

Voters and candidates are strongly encouraged to acquaint themselves with the official information published on the VEC website regarding their own council's electoral structure arrangements. This includes whether the council is divided into wards or unsubdivided, boundary maps, councillor numbers, and more.

Refer <https://www.vec.vic.gov.au/electoral-boundaries/local-councils>

Election information, timelines and key dates

The Victorian Electoral Commission (VEC) is the official source for all matters pertaining to the conduct of council elections. The VEC's website, www.vec.vic.gov.au, offers a comprehensive range of information on council elections. This includes up-to-date details on election timelines, key dates, voter eligibility and enrolment, as well as candidate eligibility and nomination requirements. Furthermore, the VEC website will provide updated information on all eligible candidates standing for election at each council following the close of nominations. Following the close of voting, it also facilitates the declaration of the polls and publishes each council's election results.

To keep up to date on information about the election timeline, key date visit [VEC website](#)

Throughout the electoral process, the VEC plays a crucial role in administering council elections, ensuring election processes are conducted fairly and transparently in accordance with legislation.

Key Dates

Close of roll	Wednesday, 7 August (4pm)
Candidate Nominations open	Monday, 9 September
Candidate Nominations close	Tuesday, 17 September (12 noon)
Deadline to submit candidate statements	Tuesday, 17 September (12 noon)
Ballot draw	Wednesday, 18 September (10am)
Mail out of ballot packs	Tuesday, 7 October
Close of voting	Friday, 25 October (6pm)
All results finalised	By Friday, 15 November



1.1million
tonnes diverted
from landfill

Candidate guidance

It is critically important that candidates understand and prepare for the various electoral processes, with particular attention to the mandatory requirements and key dates in relation to nominating to stand in a local council election.

Information that a candidate needs to be familiar with, includes:

Eligibility requirements to stand for council

Enrolment of voters' roll

Mandatory candidate training

Nomination procedures

Candidate statements

Candidate questionnaire

Ballot paper order, scrutineers & how votes are counted

Candidate election campaign material

Declaration of election results

Disclosure of election campaign donations

Election compliance and post-election activities.

For candidate resources including information on eligibility, nomination, campaigning, candidate and scrutineer handbooks go to the VEC website [Become a local council candidate](#).



69,000 early childhood kinder enrolments for children managed

Running an election campaign

The following campaign tips are designed to give assistance to candidates who have never been involved in campaigning for local government elections. There are many ways to campaign. This is merely an introduction to the subject.

Keep up to date with the legislative requirements

Familiarise yourself with the *Local Government Act 2020* electoral requirements, the VEC's requirements and candidate guide, which outline the rules and regulations governing local government elections in Victoria.

Review electoral boundaries

Understand the electoral boundaries of the council area where you are campaigning. This includes knowing whether the council is divided into wards or is unsubdivided.

Nomination requirements

Ensure you meet all eligibility criteria and nomination requirements set by the Victorian Electoral Commission (VEC) before submitting your nomination and complete the mandatory candidate training.

Campaign messaging

Develop clear and concise messaging that communicates your vision, values, and priorities to voters. Tailor your campaign messages to address issues and concerns that are relevant to your community. Consider engaging a designer to create a 'brand' for your campaign which you can use across your communications channels including social media mastheads and media releases.

Media matters

Utilise the media including local media organisations, social media and other online platforms to enhance your profile, connect with voters and communicate your message.

Engage with the community

Attend local community events, forums, and meetings to engage with voters, understand their concerns, and share your platform.

Person-to-Person canvassing

Consider door-to-door canvassing, street stalls to reach out to voters directly, listen to their concerns, and seek their support.

Collaborate with supporters

Build a team of volunteers and supporters to help with your campaign activities such as doorknocking and distributing campaign materials

Transparency, integrity and respect

Conduct your campaign with integrity, honesty, and transparency. Be open to discussing your views, seeking voter feedback and addressing any concerns raised by voters. Maintain respectful and professional relationships towards other candidates, focusing on policy differences rather than personal attacks. As much as possible, keep it positive - in a competitive campaign, it's easy to fall into the trap of criticising.

Campaign compliance

Familiarise yourself and comply with campaign donation, nomination fees and electoral material requirements including checking with your council's local law regarding any restrictions or permit requirements relating to the placement of advertising boards, stalls and handing out of flyers.

For more information about electoral material is included in the VEC's candidate handbook available on the VEC website [Become a local council](#)

Electoral campaign compliance

The rules about electoral material

To ensure fair elections and prevent misinformation, strict rules govern the information that candidates and their supporters can publish, broadcast or distribute.

It is important that candidates acquaint themselves with and adhere to the *Local Government Act 2020* in relation election campaign materials, as non-compliance may constitute an offence under the Act.

Under the Act a person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, electoral material unless the name and address of the person who authorised the electoral material is clearly displayed on its face.

Local Government Act 2020, Section 287 Printing and publication of electoral material

Under the Act the definition of electoral material means an advertisement, handbill, pamphlet, or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.

Local Government Act 2020, Section 3(1) Definitions

Electoral matter means matter which is intended or likely to affect voting in an election, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.

Local Government Act 2020, Section 3(4) Definitions

Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- the election; or
- a candidate in the election; or
- an issue submitted to, or otherwise before, the voters in connection with the election.

Local Government Act 2020, Section 3(5) Definitions

There are several offences under the *Local Government Act 2020* that candidates need to be aware of. During the electoral period, a significant responsibility of the Local Government Inspectorate (LGI) is to monitor the conduct of councils and candidates, investigate electoral complaints, and issue prosecution proceedings against offenders to uphold the integrity, fairness and transparency of elections.

For a summary of electoral offences under the *Local Government Act 2020* see [Appendix C](#).

More information about electoral material is in the VEC's candidate handbook available on the VEC website [Become a local councillor](#).

Election campaign and donation returns

All candidates are required to complete and submit an 'election campaign return' to the CEO of the council in which they stood as a candidate.

The return must be submitted within 40 days after the election day. The return must contain the details of any 'gift', including goods or services, valued at \$500 or more received during the 'donation period'.

The donation period, for the majority of candidates*, commences 30 days after the last general election (24 October 2020) and ends 30 days after the election day, Saturday 26 October 2024.

*If the candidate was a candidate in a by-election following the last general election (at which the candidate was required to give an election campaign donation return), the donation period commences 30 days after the last election.

Two or more gifts made by the same person to, or for the benefit of a candidate are taken to be one donation. For example, a donation made in December 2020 of \$150, printing services provided at no charge but valued at \$200 in September 2024 and a payment of \$150 at a fundraising auction in November 2024, from the same person or body would together reach the disclosable gift threshold and must be included in the return.

Candidates should understand which gifts may not be accepted including the requirement not to accept a gift from a person whose name and address are not known to the person accepting the gift.

Failing to submit a return or for providing particulars or information that the candidate knows to be false, or misleading is an offence under the *Local Government Act 2020*. A return must be submitted even if no campaign donations were received.

The Council's CEO is responsible for:

- Providing a written report to the Minister specifying the names of the candidates in the election and the names of candidates who submitted a return
- Ensuring a summary of each return, including the name of the candidate and the name of any donor and the total value of any gift received from that person, is available on the Council's website
- Ensuring a copy of the election donation return is available for public inspection.

For more information, visit the Local Government Inspectorate (LGI) website [Election Campaign Donation Returns – Guidance Material](#)

Election (caretaker) period and policy

Under the *Local Government Act 2020* all councils must comply with special arrangements in the lead up to elections, known as the election period. The Act requires that the election period starts on the last day on which nominations for the election can be received and finishes at 6pm on the election day. For the 2024 general election, this means the election period will be 12 noon 17 September until 6pm Saturday 26 October 2024.

The purpose of an election period is to ensure that a council's actions don't interfere with the election process, and the election process is conducted in an ethical, fair and transparent way and to safeguard the authority of the incoming council.

During the election period councils are prohibited from making certain types of decisions and material produced by the councils must not contain mater that will affect voting at the election.

For more information about councils' election period policies which are part of the Governance Rules, visit your Council's website and or the Local Government Inspectorate website [Election period policies](#).



400,000+
Victorian children
immunised



Where can you get more information

Section **6**

Serving your community as a councillor has many rewards.

It is an important and challenging role and provides one of the most direct means an individual can influence the decisions that affect their local area.

This guide has been prepared by the MAV as an introduction to local government, covering the roles of local councils, how they operate, and the responsibilities of councillors. It offers an overview of council elections and provides guidance to help individuals decide whether they would like to stand as candidate and represent your community as a councillor.

For more information about nomination, election campaign information, voting and other election processes, as well as important dates and deadlines go to the Victorian Election Commission (VEC) website at www.vec.gov.au.

Further information on becoming a councillor in Victoria can be obtained from the following organisations:

Municipal Association of Victoria (MAV)
Level 5, 1 Nicholson Street
East Melbourne
Melbourne VIC 3001
Phone: +61 3 9667 5555
Email: inquiries@mav.asn.au
Websites: mav.asn.au, viccouncils.asn.au

Victorian Electoral Commission
Level 11, 530 Collins Street
Melbourne Vic 3000
Phone: +61 3 8620 1100 or 131 832
Website: vec.gov.au

Local Government Victoria
1 Spring Street
Melbourne VIC 3000
By post: GPO Box 4509,
Melbourne VIC 3001
Phone: 136 186
Email: lgy@ecodev.vic.gov.au
Website: localgovernment.vic.gov.au

Local Government Inspectorate
Level 27, 1 Spring Street,
Melbourne, VIC 3000
Phone: 1800 469 359 or TTY users 133 677
Email: inspectorate@lgi.vic.gov.au
Website: lgi.vic.gov.au

Appendices

Appendix A: Summary of *Local Government Act 2020* - Objectives, Principles and General Power

Objectives of the Act (Section 4)

The Objectives of the Act are to ensure that:

1. local government continues to be constituted as a democratically elected tier of government in Victoria.
2. councils are constituted as representative bodies that are accountable, transparent, collaborative, efficient and engaged with their communities.
3. councils have the functions and powers necessary to enable councils to perform their role.

Overarching governance principles and supporting principles (Section 9)

The Act sets out the following Principles to guide the governance and operation of councils. When councils perform their functions, make policies and plans, and provide services, they must follow and put these principles into action.

Overarching governance principles:

- a. Council decisions are to be made and actions taken in accordance with the relevant law;
- b. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- c. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- d. the municipal community is to be engaged in strategic planning and strategic decision making;

- e. innovation and continuous improvement is to be pursued;
- f. collaboration with other Councils and Governments and statutory bodies is to be sought;
- g. the ongoing financial viability of the Council is to be ensured;
- h. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- i. the transparency of Council decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles, a Council must take into account the following supporting principles:

Community Engagement Principles (Section 56)

- a. a community engagement process must have a clearly defined objective and scope;
- b. participants in community engagement must have access to objective, relevant and timely information to inform their participation;
- c. participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;
- d. participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;
- e. participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

Public Transparency Principles (Section 58)

- a. Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- b. Council information must be publicly available unless -
 - i. the information is confidential by virtue of this Act or any other Act; or
 - ii. public availability of the information would be contrary to the public interest;
- c. Council information must be understandable and accessible to members of the municipal community;
- d. public awareness of the availability of Council information must be facilitated.

Strategic Planning Principles (Section 89)

- a. an integrated approach to planning, monitoring and performance reporting is to be adopted;
- b. strategic planning must address the Community Vision;
- c. strategic planning must take into account the resources needed for effective implementation;
- d. strategic planning must identify and address the risks to effective implementation;
- e. strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.

Financial Management Principles (Section 101)

- a. revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
- b. financial risks must be monitored and managed prudently having regard to economic circumstances;

- c. financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community;
- d. accounts and records that explain the financial operations and financial position of the Council must be kept.

Service performance principles (Section 106)

- a. services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;
- b. services should be accessible to the members of the municipal community for whom the services are intended;
- c. quality and costs standards for services set by the Council should provide good value to the municipal community;
- d. a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;
- e. service delivery must include a fair and effective process for considering and responding to complaints about service provision.

General Power (Section 10)

The Act provides councils with a **'General Power,'**:

1. subject to any legislative limitations or restrictions imposed by or under the Act or any other Act, a Council has the power to do all thing necessary or convenient to be done in connection with the performance of its role.
2. The generality of this section is not limited by the conferring of specific powers by or under the Act or any other Act.

The Local Government Act 2020 is available [here](#)

More information about the principles that guide councils, visit Victorian Government Victoria website [A principles-based Act](#).

Appendix B: Victorian Councils' Electoral Structures

Name of Council	Electoral Structure	No of Wards/ Councillors	Total no. of Councillors
Alphine Shire Council	Unsubdivided	Not applicable	7
Ararat Rural City Council	Unsubdivided	Not applicable	7
Ballarat City Council	Single-member wards	9 wards with 1 councillor per ward	9
Banyule City Council	Single-member wards	9 wards with 1 councillor per ward	9
Bass Coast Shire Council	Multi-member wards	3 wards with 3 councillors per ward	9
Baw Baw Shire Council	Multi-member wards	3 wards with 3 councillors per ward	9
Bayside City Council	Single-member wards	7 wards with 1 councillor per ward	7
Benalla Rural City	Unsubdivided	Not applicable	7
Boroondara City Council	Single-member wards	11 wards with 1 councillor per ward	11
Borough of Queenscliff Council	Unsubdivided	Not applicable	5
Brimbank City Council	Single-member wards	11 wards with 1 councillor per ward	11
Buloke Shire Council	Multi-member wards	3 wards with 2 councillors per ward	6
Campaspe Shire Council	Unsubdivided	Not applicable	9
Cardina Shire Council	Single-member wards	9 wards with 1 councillor per ward	9
Casey City Council	Single-member wards	12 wards with 1 councillor per ward	12
Central Goldfields Shire Council	Single-member wards	7 wards with 1 councillor per ward	7
Colac Otway Shire Council	Unsubdivided	Not applicable	7
Corangamite Shire Council	Single-member wards	7 wards with 1 councillor per ward	7
Darebin City Council	Single-member wards	9 wards with 1 councillor per ward	9
East Gippsland Shire Council	Unsubdivided	Not applicable	9
Frankston City Council	Single-member wards	9 wards with 1 councillor per ward	9
Gannawarra Shire Council	Unsubdivided	Not applicable	7
Glen Eira City Council	Single-member wards	9 wards with 1 councillor per ward	9
Glenelg Shire Council	Unsubdivided	Not applicable	7
Golden Plains Shire Council	Unsubdivided	Not applicable	7
Greater Bendigo City Council	Single-member wards	9 wards with 1 councillor per ward	9
Greater Dandenong City Council	Single-member wards	11 wards with 1 councillor per ward	11

Name of Council	Electoral Structure	No of Wards/ Councillors	Total no. of Councillors
Greater Geelong City Council	Single-member wards	11 wards with 1 councillor per ward	11
Greater Shepparton City Council	Single-member wards	9 wards with 1 councillor per ward	9
Hepburn Shire Council	Unsubdivided	Not applicable	7
Hindmarsh Shire Council	Multi-member wards	3 wards with 2 councillors per ward	6
Hobsons Bay City Council	Single-member wards	7 wards with 1 councillor per ward	7
Horsham Rural City Council	Single-member wards	7 wards with 1 councillor per ward	7
Hume City Council	Single-member wards	11 wards with 1 councillor per ward	11
Indigo Shire Council	Unsubdivided	Not applicable	7
Kingston City Council	Single-member wards	11 wards with 1 councillor per ward	11
Knox City Council	Single-member wards	9 wards with 1 councillor per ward	9
Latrobe City Council	Single-member wards	9 wards with 1 councillor per ward	9
Loddon Shire Council	Single-member wards	5 wards with 1 councillor per ward	5
Macedon Ranges Shire Council	Multi-member wards	3 wards with 3 councillors per ward	9
Manningham City Council	Single-member wards	9 wards with 1 councillor per ward	9
Mansfield Shire Council	Unsubdivided	Not applicable	5
Maribyrnong City Council	Single-member wards	7 wards with 1 councillor per ward	7
Maroondah City Council	Single-member wards	9 wards with 1 councillor per ward	9
Melbourne City Council	Unsubdivided	Leadership team (lord mayor and deputy lord mayor) with 9 councillors.”	
Melton City Council	Single-member wards	10 wards with 1 councillor per ward	10
Merri-bek City Council	Single-member wards	11 wards with 1 councillor per ward	11
Mildura Rural City Council	Single-member wards	9 wards with 1 councillor per ward	9
Mitchell Shire Council	Multi-member wards	3 wards with 3 councillors per ward	9
Moira Rural Shire Council	Election postponed until 2028		
Monash City Council	Single-member wards	11 wards with 1 councillor per ward	11
Moonee Valley City Council	Single-member wards	9 wards with 1 councillor per ward	9
Moorabool Shire Council	Unsubdivided	Not applicable	9

Name of Council	Electoral Structure	No of Wards/ Councillors	Total no. of Councillors
Mornington Peninsula Shire Council	Single-member wards	11 wards with 1 councillor per ward	11
Mount Alexander Shire Council	Single-member wards	8 wards with 1 councillor per ward	8
Moyne Shire Council	Unsubdivided	Not applicable	7
Murrindindi Shire Council	Single-member wards	7 wards with 1 councillor per ward	7
Nilumbik Shire Council	Single-member wards	7 wards with 1 councillor per ward	7
Northern Grampians Shire Council	Multi-member wards	3 wards with 2 councillors per ward	6
Port Phillip City Council	Single-member wards	9 wards with 1 councillor per ward	9
Pyrenees Shire Council	Single-member wards	5 wards with 1 councillor per ward	5
South Gippsland Shire Council	Multi-member wards	3 wards with 3 councillors per ward	9
Southern Grampians Shire Council	Unsubdivided	Not applicable	7
Stonnington City Council	Single-member wards	9 wards with 1 councillor per ward	9
Strathbogie Shire Council	Unsubdivided	Not applicable	7
Surf Coast Shire Council	Multi-member wards	3 wards with 3 councillors per ward	9
Swan Hill Rural City Council	Unsubdivided	Not applicable	7
Towong Shire Council	Unsubdivided	Not applicable	5
Wangaratta Rural City Council	Single-member wards	7 wards with 1 councillor per ward	7
Warrnambool City Council	Single-member wards	7 wards with 1 councillor per ward	7
Wellington Shire Council	Multi-member wards	3 wards with 3 councillors per ward	9
West Wimmera Shire Council	Unsubdivided	Not applicable	5
Whitehorse City Council	Single-member wards	11 wards with 1 councillor per ward	11
Whittlesea City Council	Single-member wards	11 wards with 1 councillor per ward	11
Wodonga City Council	Single-member wards	7 wards with 1 councillor per ward	7
Wyndham City Council	Single-member wards	11 wards with 1 councillor per ward	11
Yarra City Council	Single-member wards	9 wards with 1 councillor per ward	9
Yarra Ranges	Single-member wards	9 wards with 1 councillor per ward	9
Yarriambiack Shire Council	Multi-member wards	3 wards with 2 councillors per ward	6

Appendix C: Campaign Offences

Objectives of the Act (Section 4)

There are a number of offences under the *Local Government Act 2020* which candidates should be aware of. They include:

- Nominating as a candidate when not qualified to be a candidate (Section 286)
- Printing, publishing or distributing electoral material without the name and address of the person authorising the material appearing on its face (Section 287(1))
- Providing information that is likely to mislead or deceive a voter in relation to the casting of a vote (Section 288(1))
- Providing electoral material which purports or contains representation of a ballot paper for use in that election to induce the voter to mark the ballot paper otherwise than in accordance with the directions on the ballot paper (Section 288(2))
- Printing a newspaper, circular or pamphlet containing an article, report, letter or other matter unless the author's name and address are set out at the end (Section 290(1))
- Making a false or misleading statement in relation to voter enrolment, declaration or application (Section 293)
- Forging or dealing with any forged ballot paper, prescribed forms or other document lodged in relation to an election (Section 294(a) and (b))
- Forging any signature on any ballot paper, prescribed forms or other document lodged in relation to an election (Section 294(c))
- Tampering or dealing with election material, including the voters' rolls except as authorised (Section 296)
- Communicating information likely to defeat the secrecy of voting, by a person present when a voter votes (Section 297)
- Failing to post a ballot paper on behalf of a voter after agreeing to do so (Section 298)
- Interfering with any material to be delivered by the VEC to a voter (Section 299)
- Asking for or receiving any benefit on an understanding that it will influence the person's election conduct, being voting, nominating, supporting or opposing any candidate or influencing preferences set out in the vote of a voter (Section 300(2))
- Giving, promising or offering any property or benefit in order to influence a person's election conduct, being voting, nominating, supporting or opposing any candidate or influencing preferences set out in the vote of a voter (Section 300(4))
- Hindering or interfering with the performance by any other person of any political right or duty relevant to an election (Section 301(1))
- Influencing, by violence or intimidation, influence the vote of a person at an election (Section 301(3))
- Interfering with or attempting to interfere with any voter marking their ballot paper (Section 301(7)).





STAND FOR COUNCIL

Enquiries

Municipal Association of Victoria (MAV)
Level 5, 1 Nicholson Street
East Melbourne
Melbourne VIC 3001

Phone: (03) 9667 5555
Email: inquiries@mav.asn.au

Websites: www.mav.asn.au | www.viccouncils.asn.au
LinkedIn: www.linkedin.com/company/municipal-association-of-victoria
Facebook: <https://www.facebook.com/municipalvic>