

Topic	Current position	Proposed change in legislation	Council submission
<p><b>Voter Franchise</b></p>	<p>The voters roll is made up of the state electoral roll (residents) and the CEO's voters list. This is combined to form the Municipal voters' roll.</p> <p>Voting is compulsory for voters on the state roll (residents). Voting is optional for voters who have applied to be enrolled on the CEO's voters list.</p> <p>In the CEO's roll the first two named non-resident owners are automatically included without application for rateable properties.</p> <p>Port Phillip has a large number of multiple property owners. Electors only receive one vote for the election, no matter how many properties they own in Port Phillip. If an elector owns property in more than one ward and they are not residents of Port Phillip, and the elector has not nominated which property they would like to receive the vote for, the vote will be associated with the property that has the highest valuation.</p>	<p>That non-resident owners will be required to apply for enrolment rather than being automatically enrolled on the CEO's voters list. The VEC is unable to confirm if it will be the first two non-resident owners or all non-resident owners for that property.</p> <p>For the 2020 election non-resident owners who were enrolled would retain their enrolment status as an interim arrangement. However new non-resident owners would need to apply for enrolment and will not be directly enrolled without application.</p> <p>For the 2024 election non-resident owners will be entitled to apply for enrolment but will not be directly enrolled without application.</p> <p>That voting be compulsory for all state enrolled voters for the 2020 election (as is the current position), however it is proposed for the 2024 election, that voting will be compulsory for all voters on the electoral roll.</p>	<p><b>Council supports the proposal in principle but requires further information on this proposal to fully assess the operational impacts of the proposed changes.</b></p> <p>At the 2016 Council election there were 90,188 voters on the voter's roll comprising 75% state enrolled voters (67,617) and 25% voters who applied by application (22,571).</p> <p>The overall voter turnout was 48.72%. The voter turnout for those voters who applied to be on the roll was 11.69%.</p> <p>The proposed change relating to compulsory voting for all voters may increase overall voter turnout, however it may also have the effect of reducing the number of voters who apply to be on the roll.</p> <p>The VEC are of the understanding that for the 2024 election Council will need to write to all non-resident owners to invite them to vote in council elections and that Port Phillip will have one of the highest impacts due to our high number of non-resident owners (in excess of 20,000) when compared to other Councils.</p> <p>For the 2020 election Council will be required to verify the eligibility of the enrolment status of non-resident owners from the 2016 roll and write to new non-resident owners so that they have the option of applying to be enrolled and to verify their eligibility once received.</p> <p>It is expected that this may result in additional staffing and possibly software costs of administering the enrolment process for the inclusion of non-resident ratepayers into the CEO voters list.</p>
<p><b>Electoral Structures</b></p>	<p>Currently a Council's electoral structure could be unsubdivided where Councillors represent the entire municipality, single member wards only, multi member wards only or combination of multi member and single member wards.</p>	<p>That all electoral structures be moved to a model of single member wards, unless it is impractical to subdivide a Council into wards on the basis of a small population and large geographical area.</p>	<p><b>Council confirms its position outlined in its March 2018 submission to the draft Local Government Act Bill that it is of the view that a Council's ward structure should remain reflective of its community and maintain flexibility to achieve this rather than be restricted by legislative provisions.</b></p> <p>From Port Phillip Council's inception to prior to the 2016 elections, Council's electoral structure was seven single member wards.</p>

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			<p>At the last Electoral Representation Review held in 2015 the Council of the day stated that single Councillor wards:</p> <ul style="list-style-type: none"> <li>• Are more likely to be truly locally representative;</li> <li>• Best represent major geographical communities of interest and distinct neighbourhoods; and</li> <li>• Offer an adequate choice of Councillors for voters as historically Port Phillip City Council elections have been highly contested.</li> </ul> <p>The outcome of the 2015 Electoral Representation Review was that the Minister determined that Port Phillip City Council's electoral structure would be comprised of three wards with three Councillors in each ward.</p> <p>The VEC stated in their final electoral representation report that multi-Councillor wards are less vulnerable to population shifts than single-councillor wards, because growth areas and other areas can be combined in the same ward.</p> <p>The VEC also stated that multi-Councillor wards are able to more evenly distribute disparate growth rates across larger electorates, a greater number of voters per councillor means it takes a more significant population change in a ward to affect the ward deviations. The model is therefore more stable over a longer period for municipalities where the population is growing rapidly and unevenly, such as the City of Port Phillip.</p> <p>From the information released by the State Government it is not clear when this proposed provision, if passed, would be implemented.</p> <p>If this proposal is progressed, further information is required to ensure that sufficient time is provided to enable Councils, Councillors, potential candidates and the community to transition to these arrangements effectively.</p>
<b>Training</b>	No legislative requirement	<p>That all elected Councillors will be required to undertake mandatory Councillor induction training arranged by the Chief Executive Officer within six months of being elected.</p> <p>If a Councillor fails to undertake the Councillor induction training within a specified time, their</p>	<p><b>Council is supportive of the need for induction and ongoing training and development but is of the view that this should be flexible and reflect the needs of local Councils and Councillors, rather than being mandated by legislation.</b></p>

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		<p>allowance will be withheld and only refunded once the Councillor has done the training.</p> <p>That all candidates for Council elections will be required to undertake mandatory training as a condition of their candidature.</p>	<p>Council in 2016 conducted a detailed Councillor Transition and Induction program for all elected Councillors immediately following the declaration of the poll.</p> <p>This program covered in detail, the Council Plan and Budget, future challenges, Council services, a Governance overview, priority projects, hot topics, Council / Planning Committee meetings and building effective working relationships. Throughout the course of the Council term, Councillors are also provided with access to a range of training and professional development opportunities to support them in effectively discharging their role and obligations.</p> <p>From the information released by the State Government on this proposal, it is not clear what the detailed training requirements will be and what discretion will be provided to Councils to create a program that suits local needs and is reflective of the existing skills, experience and qualifications of Councillors.</p> <p>In the event the proposal is progressed, any mandated induction program should not create an unnecessary cost impost for Councils. From the information available, it also appears that the mandatory training would only be at the beginning of the term and not include any requirement for further ongoing training throughout the four-year term.</p> <p>Finally, it seems a particularly harsh penalty to withhold a Councillor's allowance for failing to complete all training.</p> <p><b>Council does not support the proposal to have mandatory training for all candidates.</b></p> <p>Council had 30 candidates for the 2016 election for nine vacancies. It would be an unnecessary impost on the ratepayers of the City of Port Phillip to have to pay for mandatory training for candidates especially given the thorough and detailed internal Councillor Transition and Induction program conducted for newly elected Councillors. Requiring candidates to pay for this training, may also discourage potential candidates from running for office.</p> <p>In addition, other bodies such as the MAV, VLGA and the VEC undertake candidate information sessions and all candidates also</p>

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<p><b>Donation Reform</b></p>	<p>There are no restrictions on who can donate to a candidate's election campaign and election campaign donations are not capped.</p> <p>The current 'gift disclosure threshold' which applies to election campaign donations and other gifts received by Councillors is \$500.</p> <p>All candidates are required to complete an election campaign donation return for all amounts received over the 'gift disclosure threshold' and this is publicly reported on Council's website.</p>	<p>That foreign donations will be banned. Donors will need to be an Australian citizen or resident, or a business with an Australian Business Number.</p> <p>Election campaign donations to individual candidates and candidate groups from a single donor will be capped at \$1,000.</p> <p>The 'gift disclosure threshold' which applies to election campaign donations and other gifts received by Councillors will change from \$500 to \$250.</p> <p>Council's will be required to have a gift register and a gift policy.</p>	<p>receive a candidate information handbook. It is believed that this level of information is sufficient at the candidate stage.</p> <p><b>Council supports the general intent of a foreign donation ban, however believes that property owners living overseas that pay rates and are entitled to vote, should also be entitled to make a campaign donation.</b></p> <p>A property owner living overseas who pays rates is entitled to vote and consequently Council believes that this should also mean that they are entitled to make an election campaign donation.</p> <p><b>Council does not support a cap on election campaign donations, which is inconsistent with the State election campaign donation cap.</b></p> <p>If this proposed change is implemented, a cap of \$1,000 is inconsistent with the cap for State election political donations from any one donor being \$4,000.</p> <p>The current election campaign donation system is transparent in that candidates cannot accept anonymous donations, all candidate election campaign donations received are published on Council's website and candidates who do not supply this information may be subject to a penalty.</p> <p><b>Council supports in principle the reduction in the 'gift disclosure threshold' from \$500 to \$250.</b></p> <p>In the interests of increased transparency Council supports this proposal.</p> <p>At the 2016 election, 22 election campaign donations were made by individuals and organisations to candidates of \$500 or more.</p> <p>In the event this proposal is progressed, any gifts received by a Councillor totalling \$250 or more will now be an 'applicable gift' under the Local Government Act and the Councillor may be required to declare an indirect conflict of interest in a matter that comes before the Council for decision which involves the donor of the gift.</p> <p>Candidates currently publicly disclose election campaign donations of \$500 or above as required by the Act, however</p>

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			<p>many candidates publicly disclose election campaign donations received under the current threshold.</p> <p><b>Council supports the requirement for a gift register and gift policy.</b></p> <p>Council currently has a gift and hospitality policy and a gift and hospitality register that is publicly available on Council’s website, is updated quarterly and lists detailed information on all gifts and hospitality received by Councillors irrespective of value.</p>
<b>Improved conduct</b>	<p>Council is required to have a Councillor Code of Conduct and also must develop and maintain an internal resolution procedure for the purposes of addressing an alleged contravention of the Councillor Code of Conduct by a Councillor.</p>	<p>The Councillor Conduct Principles will be removed from the Act but each Council will be required to adopt a Councillor Code of Conduct that includes standards of conduct prescribed in the Local Government Regulations. The standards will define specific acts and omissions of behaviour that apply to all Councillors in all Councils.</p> <p>The internal arbitration process will be a legislated process managed by the Principal Councillor Conduct Registrar. Arbiters will be empowered to directly impose minor disciplinary penalties, such as requiring an apology or imposing a one-month suspension.</p>	<p><b>Council requires further information on this proposal.</b></p> <p>Council cannot form a clear view on this proposal given that the standards of behaviour that will apply to all Councillors and which will be prescribed in the regulations, have not yet been identified.</p> <p><b>Council agrees that interpersonal disputes between Councillors do not require a legislative resolution but should be dealt with internally.</b></p> <p>Council has a clearly agreed and documented procedure setting out detailed information about how complaints received about Councillor behaviour under the Councillor Code of conduct are managed. The current system is working well however in any change the Council would want to ensure there is the ability at the local level to tailor standards of conduct and processes for managing conduct to meet the specific needs of the local Council.</p> <p>Council’s current internal resolution procedure promotes agreed behaviours and building a culture of team work to prevent contraventions of the Code and to foster high performance and achievement.</p> <p>Council’s view is that by identifying issues early and taking corrective action, serious contraventions can be avoided and dealt with internally through counselling and mediation rather than the need to engage an independent arbiter, referral to a Councillor Conduct Panel or referral to VCAT.</p>
<b>Community Accountability</b>	<p>If a Councillor Conduct Panel makes a finding of serious misconduct against a</p>	<p>That if a Councillor Conduct Panel makes a finding of serious misconduct against a Councillor twice within</p>	<p><b>Council requires further information to fully assess the merits of the proposal around serious misconduct.</b></p>

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	<p>Councillor, the Panel may for example, reprimand the Councillor; direct the Councillor to take leave of absence for a period not exceeding two months; suspend the Councillor for a period not exceeding six months; direct that the Councillor cannot hold the position of Mayor for the remainder of the Council's term.</p> <p>A Councillor may apply to VCAT for a review of a decision of a Councillor Conduct Panel.</p> <p>No legislative requirement exists to allow a community initiated petition for a Commission of Inquiry into the affairs of a Council.</p>	<p>eight years, that Councillor will be automatically disqualified which means that the Councillor will be removed from office and will be ineligible to contest another Council election for the next four years.</p> <p>Serious misconduct can relate to bullying, conflicts of interest, improper directions of Council staff, disclosing confidential information, sexual harassment or failing to comply with an arbitration process.</p> <p>That the Minister may appoint a Commissioner to conduct a Commission of Inquiry into the affairs of a Council or a Councillor if a petition has been received signed by greater than 25% of the eligible voters in the municipal district.</p> <p>An application for a petition will be made to the VEC and will require specific information including a statement of up to 200 words providing grounds for why a petition is sought. The VEC will provide a copy of the petition to Council for their response of up to 200 words. VEC will give public notice of the petition including the council's response and signatures will be allowed to be collected for a period for 60 days from the date of public notice.</p>	<p>Council is keen to understand whether the State Government has contemplated the option of a reduced period of disqualification, in certain circumstances and also the option of including an appeal right to VCAT for a Councillor as currently exists in the Act.</p> <p><b>Council does not support the proposal for a community initiated Commission of Inquiry.</b></p> <p>The reform proposal documentation is unclear as to whether a community initiated petition for a Commission of Inquiry can lead to the suspension or dismissal of a Council or just the disqualification of a Councillor.</p> <p>It is also difficult to understand how this proposal will be implemented given the lack of detail regarding the petition process, Councillor and Council appeal rights and how Councils would be required to respond, in the event there were multiple petitions occurring at the same time.</p> <p>It is not clear whether the 25% of eligible voters, in the case of a Councillor, is for the eligible voters in the entire municipal district or the eligible voters for the ward.</p> <p>The implementation of a community initiated petition is an unfair impost on a tier of government that is already highly accountable to the community it serves. In the event this reform is implemented similar accountability standards should apply to other levels of Government.</p>