

# **Local Government Bill (No. 2)**

## **EXPLANATORY MEMORANDUM**

### **PART 1—PRELIMINARY**

The purpose of this Bill is to reform the law relating to local government in Victoria.

#### *Clause 1—Purpose of Act.*

The purpose of this Act is to—

- (a) provide for a democratic, efficient and effective system of local government in Victoria; and
- (b) give councils powers which will enable councils to meet the needs of their communities; and
- (c) provide for an accountable system of local government; and
- (d) reform the law relating to local government in Victoria.

#### *Clause 2—Commencement.*

The Act comes into operation on a day or days to be proclaimed.

#### *Clause 3—Definitions.*

This clause sets out the definitions applicable to the Act.

### **PART 2—THE COUNCIL**

#### *Clause 4—Types of Councils.*

This clause provides that a council may be constituted as a—

- (a) City Council;
- (b) Rural City Council; or
- (c) Shire Council.

#### *Clause 5—The Council.*

Each council is to be a body corporate with a common seal.

#### *Clause 6—Purposes of a Council.*

The purposes of a council are—

- (a) to provide for the peace, order and good government of its municipal district; and
- (b) to facilitate and encourage appropriate development of its municipal district in the best interests of the public; and
- (c) to provide equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively; and
- (d) to manage, improve and develop the resources of its district efficiently and effectively.

The clause states the intention of Parliament that the Act be interpreted and applied so as to give effect to the purposes and objectives of councils.

#### *Clause 7—Objectives.*

This clause sets out the objectives of a council.

**Clause 8—Functions and Powers.**

This clause relates to the functions and powers of councils.

Under sub-clause (3), a council has power to do anything necessary or convenient to enable it to achieve its objectives.

**Clause 9—Resolution of disputes.**

This clause provides a mechanism for settling disputes that may arise between a council and another public body in relation to a function being undertaken by a council.

**Clause 10—Number of Councillors.**

There are to be not fewer than 9 or more than 15 councillors for each council.

**PART 3—ELECTIONS**

**Division 1—Voters**

**Clause 11—Persons entitled to be enrolled.**

This clause provides for automatic enrolment for persons on the Legislative Assembly rolls and for non-resident property owners and occupiers.

**Clause 12—Persons entitled to apply to be enrolled.**

This clause provides for the enrolment of other adult residents, upon application.

**Clause 13—Corporations.**

This clause relates to the entitlement of corporations to appoint nominees.

**Clause 14—Limitations on right of entitlement.**

This clause relates to entitlements where there are joint owners or joint occupiers in or where there is more than one right of entitlement.

**Clause 15—Enrolment for the purposes of section 11 (2) and 11 (4).**

This clause provides for the method of enrolment of a joint owner or joint occupier.

**Clause 16—Applications for enrolment.**

This clause sets out the requirements for application for enrolment.

**Clause 17—Provisions relating to appointments for the purposes of section 13.**

This clause makes provision for nominees of corporations.

**Clause 18—Power of municipal clerk to deal with applications.**

The requirements for dealing with applications are set out in this clause.

**Clause 19—General power relating to enrolment.**

Municipal clerk or authorised officer may put questions in relation to application.

**Clause 20—Notification of change or cessation of entitlement.**

This clause imposes a penalty for failure to give notification to the municipal clerk of change in particulars or cessation of entitlement.

## **Division 2—Voters' rolls**

*Clause 21*—Electoral Commissioner to prepare list.

This clause provides for the preparation of municipal voters lists by the Electoral Commissioner for the State of Victoria.

*Clause 22*—Municipal clerk to prepare list.

Under this clause the municipal clerk is responsible for preparing the list of eligible voters that are not included on the Chief Electoral Officers' list.

*Clauses 23*—Correction of voters' lists.

This clause provides for amending of a voters' list.

*Clause 24*—Preparation of voters' rolls.

This clause deals with the preparation of voters' rolls.

*Clause 25*—Validity of voters' roll.

This clause relates to the validity of a voters roll.

*Clause 26*—Electoral Commissioner's expenses.

Under this clause the Electoral Commissioner may recover from councils the costs of preparing voters' lists under clause 21.

*Clause 27*—Offences relating to voters' rolls.

This clause contains offence provisions relating to the preparation of voters' rolls.

## **Division 3—Qualification of Councillors**

*Clause 28*—Qualification to be a Councillor.

This clause sets out the qualifications for persons nominating to be a councillor.

*Clauses 29 and 30*—Disqualifications and Relief from disqualification.

These clauses relate to the disqualification and relief from disqualification for persons nominating to be or continuing to be councillors.

## **Division 4—Annual Elections**

*Clauses 31 and 32*—Application of Division; Annual Elections.

These clauses provide that an annual election is to be held on the first Saturday in August each year at which one councillor for each ward must be returned.

The division does not apply to a council which elects to conduct triennial elections.

## **Division 5—Triennial Elections**

*Clauses 32-36*—Application of Division; City of Melbourne must hold triennial elections; Councils may apply to hold triennial elections; General elections.

These clauses deal with the holding of triennial elections. This form of election is to be compulsory for the City of Melbourne. Other councils may decide to hold triennial elections, but, if they do, they must complete at least one term of triennial elections before reverting to annual elections.

## **Division 6—Extraordinary Vacancies**

*Clause 37—Extraordinary Election within 3 months before an election.*

This clause provides the option for a council to hold an election if a vacancy occurs within 3 months before an election.

*Clause 38—By-elections.*

This clause relates to the filling of extraordinary vacancies (by-elections).

## **Division 7—Conduct of Elections**

*Clause 39—One vote per person.*

A voter has one vote for each ward in which he or she is enrolled.

*Clause 40—Voting is compulsory.*

Voting continues to be compulsory for residential voters, except as provided in the regulations.

*Clause 41—Holding of an election.*

This clause refers to Schedule 2 which sets out matters relating to the holding of an election.

*Clause 42—Voting and Counting of votes.*

This clause and Schedule 3 relate to the counting of votes.

*Clause 43—Governor in Council may give directions.*

This clause permits the Governor in Council to give certain directions in relation to an election.

## **Division 8—General Provisions**

*Clause 44—Municipal electoral tribunals.*

This clause and Schedule 4 provide for the establishment of one or more municipal electoral tribunals to consider disputes relating to elections.

*Clause 45—Application for an inquiry.*

This clause provides the procedure for making application for an inquiry by a municipal election tribunal.

*Clause 46—Powers of a municipal electoral tribunal.*

This clause provides the powers of a municipal electoral tribunal in relation to the election or application.

*Clause 47—Report to the Minister.*

This clause provides for a municipal electoral tribunal to make a report to the Minister.

*Clause 48—Decision is final.*

A decision of a municipal electoral tribunal is final.

*Clause 49—Reasons for decision.*

A municipal electoral tribunal must give reasons for its decision.

*Clause 50—Scrutiny of voters' roll or rolls.*

This clause provides for the scrutiny of a voters' roll following an election.

*Clause 51—Validity of election.*

This clause relates to the validity of elections.

*Clause 52—Unlawful nomination.*

Provides it is an offence for an unqualified person to submit a notice of candidature.

*Clause 53—Prohibition of canvassing near polling place.*

Provides for offence in relation to elections.

*Clause 54—Interfering with rights.*

Provides penalties for interfering in other rights during election.

*Clause 55—Printing and publication of electoral material.*

Provides offences in relation to the printing and publication of electoral material.

*Clause 56—How to vote cards.*

Provides that Schedule 5 has effect with respect to how to vote cards.

*Clause 57—False and defamatory statements.*

Provides offences.

*Clause 58—Offences in relation to ballot papers.*

Provides for offences in relation to ballot papers.

*Clause 59—Bribery, treating and undue influence.*

Provides penalties for offences of bribery, treating and undue influence.

*Clause 60—Infringement of secrecy.*

Provides offences in relation to infringement of secrecy in election matters.

*Clause 61—Penalty on officers.*

Provides a penalty on officers who do any wilful or negligent act of omission or commission.

*Clause 62—Information for offence.*

Information for an offence under Part 3 may be laid within a period of three years after the commission of the offence.

## **PART 4—COUNCIL ADMINISTRATION**

### **Division 1—The Mayor and other Councillors**

*Clause 63—Declaration of office.*

A person elected to be a councillor is required to take a declaration of office before acting as a councillor.

*Clause 64—Oath of Allegiance.*

This clause provides that a person elected to be a councillor may take an oath of allegiance.

*Clause 65*—Failure to make declaration.

The office of councillor becomes vacant if the person elected fails to make a declaration within 3 months of being declared elected.

*Clause 66*—Penalty for acting as a Councillor if incapable.

This clause provides that a person who acts as a councillor while being incapable of so being commits an offence.

*Clause 67*—Ouster from office.

This clause concerns the application to the Supreme Court for the ouster from office of a councillor.

*Clause 68*—Retirement of Councillors.

This clause relates to retirement of councillors prior to an election.

*Clause 69*—Extraordinary vacancies.

This clause specifies the conditions under which an extraordinary vacancy occurs.

*Clause 70*—Councillor may be re-elected.

A councillor may be re-elected if he or she is capable of being and continuing to be a councillor.

*Clause 71*—Election of Mayor and deputy Mayor.

There must be a mayor of each council who is elected by the councillors for one year. The councillors may also elect a deputy mayor.

*Clauses 72 and 73*—Term of office; and Precedence of Mayor.

These clauses relate to the term of office, and precedence of mayors.

*Clauses 74*—Allowances.

A council may fix an allowance for the mayor, deputy mayor and the councillors.

*Clause 75*—Reimbursement of expenses.

This clause relates to a refund of out of pocket expenses for councillors.

*Clause 76*—Protection of Councillors.

A councillor or committee member is not liable for any action etc. if he or she acts in the honest belief that it was a proper exercise of any function or power of council.

*Clause 77*—Improper use of information.

A councillor or committee member commits an offence if he or she makes improper use of information acquired as a councillor or committee member.

*Clause 78*—Pecuniary interests.

*Clause 79*—Duty of Councillor or member of a special committee.

*Clause 80*—Exemption by Minister.

These clauses concern the pecuniary interests of councillors.

*Clause 81*—Register of Interests.

This clause provides for a register of interests to be kept.

## **Division 2—Procedure and Proceedings**

**Clause 82—Council premises and office.**

A council must maintain adequate premises, and must establish and maintain a council office.

**Clause 83—Types of meetings.**

**Clause 84—Special meetings.**

These clauses concern the meetings held by councils.

**Clause 85—Call of the Council.**

This clause provides for calls of councils.

**Clause 86—Special Committees of the Council.**

This clause provides that a council may establish one or more special committees in addition to any advising committee and may delegate certain powers.

**Clause 87—Committees of Councillors.**

This clause relates to committees which comprise solely of councillors.

**Clause 88—Other Special Committees.**

This clause provides that the municipal clerk must keep a register of delegations to other special committees.

**Clause 89—Meetings to be open to the public.**

All meetings of a council or a committee are to be open to the public, but the meeting may be closed if one of the following is discussed:

- (a) Personnel matters;
- (b) The personal hardship of any resident;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of council property;
- (h) Any other matter which the council considers would prejudice the council or any person;
- (i) A resolution to close the meeting to members of the public.

**Clause 90—Voting.**

This clause relates to voting by a council or a special committee member.

**Clause 91—Conduct of meetings.**

A council must make local laws governing the conduct of its meetings and its committees.

**Clause 92—Validity of proceedings.**

This clause relates to the validity of the proceedings of a council or committee.

**Clause 93—Minutes of meetings.**

Minutes are to be kept of each meeting of council.

### **Division 3—Council Staff**

**Clause 94—Council staff.**

A council must establish an appropriate management structure and appoint council staff.

**Clause 95—Principles to be observed with respect to Council staff.**

This clause sets out principles to be observed with respect to council staff.

**Clause 96—Equal Employment Opportunity.**

Provides that Schedule 6 has effect with respect to equal employment opportunity in councils.

**Clause 97—Designated officers.**

A council must appoint persons with relevant prescribed qualifications to be designated officers.

**Clause 98—Delegations.**

This is a delegation clause.

**Clause 99—Benefits gained by Council staff.**

This clause relates to the benefits gained by council staff.

**Clause 100—Protection against removal from office.**

This clause lays down conditions relating to the removal of designated officers from office.

**Clause 101—Long Service Leave.**

This clause provides for a council to implement appropriate long service leave arrangements.

**Clause 102—Local Government Qualifications Board.**

There is to be established a Local Government Qualifications Board. This Board is to prescribe qualifications and hold disciplinary hearings in relation to the following offices:

- (i) Municipal clerk; or
- (ii) Municipal engineer; or
- (iii) Municipal building surveyor; or
- (iv) Municipal building inspector; or
- (v) Municipal electrical engineer; or
- (vi) Municipal auditor; or
- (vii) Inspector of municipal administration; or
- (viii) Municipal health surveyor; or
- (ix) Building plan certifier.

**Clause 103—Board may make rules.**

**Clause 104—Registrar of the Board.**

**Clause 105—Certificate of qualification.**

**Clause 106—Inquiries by the Board.**

**Clause 107—Effect of suspension or cancellation.**



*Clause 108*—Offence to hold office unless certificate holder.

*Clause 109*—Review of determination.

*Clause 110*—Notification of determination of the Board.

These clauses and Schedule 7 concern the operations of the Board.

## **PART 5—LOCAL LAWS**

*Clause 111*—Power to make local laws.

This clause provides for councils to make local laws (which will replace by-laws).

*Clause 112*—Incorporation by reference.

*Clause 113*—Permits, licences, fees and charges.

*Clause 114*—Delegations.

*Clause 115*—Penalties.

*Clause 116*—Application of local laws.

*Clause 117*—Infringement notices.

These clauses relate to matters that may be included in local laws.

*Clause 118*—Local law is a subordinate instrument.

A local law is a subordinate instrument for the purposes of the *Interpretation of Legislation Act 1984*.

*Clause 119*—Procedure for making a local law.

A council must give public notice before and after it makes a local law. A member of the public may make a submission to a council on a proposed local law.

*Clause 120*—Availability of local laws.

A council must keep a copy of every local law for inspection without charge at the council office.

*Clause 121*—Commencement of local laws.

This clause relates to the commencement of local laws.

*Clause 122*—Sunset provision.

This clause is a sunset provision that provides that every local law has a life not exceeding ten years.

*Clause 123*—Revocation by Governor in Council.

A local law may be revoked by the Governor in Council. The Minister may consider any matter relevant including the matter in Schedule 8 before deciding whether or not to revoke a local law.

*Clause 124*—Validity of local law.

A person may dispute the validity of a local law in the Supreme Court.

## **PART 6—ACCOUNTS AND AUDIT**

### *Clause 125—Accounts and records.*

A council must ensure that there are kept proper accounts and records of its transactions.

### *Clause 126—Annual Report.*

A council is to prepare an annual report of its operations. The financial statements of a council are to be submitted to a municipal auditor within three months of the end of the financial year.

### *Clause 127—Audit.*

This clause relates to the auditing of the financial statements of a council.

### *Clause 128—Examining and settling of financial statements.*

This clause relates to the examination and settlement of financial statements.

### *Clause 129—Appointment of municipal auditors.*

This clause relates to the appointment and payment of municipal auditors.

### *Clause 130—Appointment of inspectors of municipal administration.*

This clause relates to the appointment of inspectors of municipal administration.

### *Clause 131—Powers of inspectors of municipal administration.*

### *Clause 132—Offences relating to investigations.*

These clauses relate to the powers of inspectors of municipal administration.

### *Clause 133—Imposition of a surcharge.*

The Director-General for Local Government may recommend to the Minister that a councillor or council staff member be surcharged if—

- (a) any expenditure has been incurred in contravention of any Act, regulation or local law; or
- (b) any deficiency or loss has been incurred by the negligence or misconduct of a councillor or a member of the council staff.

### *Clause 134—Payment of the surcharge.*

This clause relates to the payment of the surcharge.

## **PART 7—FINANCIAL PROVISIONS**

### *Clause 135—Funds.*

A council must establish a municipal fund into which it pays any money received other than borrowings.

### *Clause 136—Payments out of the municipal fund.*

### *Clause 137—Power to defer or waive payments.*

These clauses provide for a council to make the payment or refunds or to defer or waive payments on money owed to council.

### *Clause 138—Investments.*

This clause relates to the powers of council to invest surplus money.

### *Clause 139—Power to borrow.*

This clause relates to the borrowing powers of councils. The ordinary borrowings of councils are not to exceed 6 per cent of the capital improved value of rateable land in the municipal district.

*Clause 140—Circumstances in which power to borrow may be exercised.*

This clause relates to the circumstances the power to borrow may be exercised.

*Clause 141—Borrowings to be secured.*

Except in the case of financial leases, money borrowed by councils must be secured.

*Clause 142—Provisions with respect to securities.*

This clause and Schedule 9 relate to securities given by councils.

*Clause 143—Overdrafts.*

This clause relates to overdrafts obtained by councils.

*Clause 144—Preparation of revenue estimates and loan projects budget.*

Before the end of 30 November in each year a council must prepare—

- (a) revenue estimates; and
- (b) loans project budget.

*Clause 145—Revised revenue estimates.*

*Clause 146—Supplementary loan projects program.*

These clauses relate to revised revenue estimates and supplementary loan projects.

*Clause 147—Public notice.*

A council is to give public notice in regard to certain matters. A person may make a submission against any proposal contained in—

- (a) a loan project budget.
- (b) a supplementary loan project.
- (c) a revenue estimate or revised revenue estimate.

*Clause 148—Certain matters not to be proceeded with.*

If after considering submissions the council determines not to proceed, a council cannot during the next 6 months proceed with the same, or substantially similar, project.

*Clause 149—Council may authorise chief executive officer or municipal clerk to consider offers.*

A council may authorise the municipal clerk to consider an offer in relation to a loan project.

*Clause 150—Adoption of estimates or loan projects.*

A council must give public notice of its decision to adopt revenue estimates, loan project budget, revised revenue estimates or supplementary loan projects.

*Clause 151—Use of loan for different purpose.*

This clause relates to the changes of purpose of loan funds.

*Clause 152—Use of funds for different purposes.*

*Clause 153—Deficit budgeting.*

A council may in respect of any financial year—

- (a) budget for a deficit not exceeding 1 per cent; or
- (b) with the consent of the Minister, budget for a deficit not exceeding 3 per cent.
- (c) with the consent of the Minister after consultation with the Treasurer budget for a deficit not exceeding 5 per cent.

## **PART 8—RATES AND CHARGES ON RATEABLE LAND**

### **Division 1—Declaration of Rates and Charges**

*Clause 154—What land is rateable?*

This clause specifies which land is rateable and that which is not.

*Clause 155—What rates and charges may a Council impose?*

This clause sets out the types of rates and charges a council may impose.

*Clause 156—Liability to pay rates and charges.*

A person who becomes the owner of rateable land must pay any rates and charges of the land.

*Clause 157—Which system of valuing land may a council use?*

This clause provides that a council may use the Capital Improved Value System or the valuation system which it is currently using for the purposes of the Part.

*Clause 158—Declaring rates and charges.*

This clause provides that municipal councils must at least once in every year by 30 November declare its rates for the year.

*Clause 159—Municipal charge.*

This clause allows councils to have a municipal charge.

*Clause 160—Uniform rate.*

This clause relates to where general rates are to be declared on a uniform basis.

*Clause 161—Differential rate.*

This clause will permit municipal councils to introduce differential general rates. The highest differential rate must not exceed by more than 100 per cent the average of the general rates.

*Clause 162—Service rate and service charge.*

Under this clause a municipal council may declare service rates and charges.

*Clause 163—Special rates and special charge.*

*Clause 164—Discontinuance of the works and projects for a special rate or special charge.*

*Clause 165—Receipt of excess money.*

*Clause 166—Variation of special rate or special charge.*

These clauses relate to the declaration of special rates and charges.

## **Division 2—Payment of Rates and Charges**

*Clause 167—Payment of rates and charges.*

*Clause 168—Incentives for prompt payment.*

*Clause 169—Rebates and concessions.*

*Clause 170—Deferred payment.*

*Clause 171—Waiver.*

*Clause 172—Council may charge interest on unpaid rates and charges.*

*Clause 173—Land becoming or ceasing to be rateable land.*

*Clause 174—Land which becomes rateable land or public land.*

*Clause 175—Person acquiring rateable land.*

*Clause 176—Rate Records.*

*Clause 177—Council may require occupier to pay rent.*

*Clause 178—Occupier who pays rates or charges.*

*Clause 179—Invalidity of any rate or charge.*

*Clause 180—Unpaid rate or charge.*

*Clause 181—Disposal of land for unpaid rates.*

These clauses relate to the recovery of rates and charges.

## **Division 3—Submission and appeals**

*Clause 182—Submissions on decisions under this Part.*

*Clause 183—Appeal to Land Valuation Appeals Board.*

*Clause 184—Appeal to County Court.*

*Clause 185—Appeal to Planning division of the A.A.T.*

These clauses relate to objections and appeals against rates and charges.

## **PART 9—SPECIFIC FUNCTIONS, POWERS AND RESTRICTIONS**

*Clause 186—Restriction on power to enter into contracts.*

This clause concerns contracts entered into by councils.

*Clause 187—Acquisition and compensation.*

*Clause 188—Power to accept gifts.*

*Clause 189—Restriction on power to sell land.*

*Clause 190—Restriction on power to lease land.*

*Clause 191—Transfer, exchange or lease land without consideration.*

*Clause 192—Use of land for another purpose.*

These clauses relate to power of councils to deal with land.

*Clause 193—Entrepreneurial Powers.*

Under this clause a council may enter into joint ventures with other bodies. Before doing so a council must obtain the approval of the Minister and Treasurer.

*Clause 194—Power to compound.*

This clause gives the council the power to compound.

*Clause 195—Assistance to member of Council staff.*

This clause relates to the power of council to provide accommodation for staff.

*Clause 196—Regional Committees.*

This clause permits a council to enter into agreement with other councils or public bodies to form regional committees.

*Clause 197—Guarantees by a Council.*

This clause will permit councils to guarantee monies raised by other organisations.

*Clause 198—Sewers and drains vested in the Council.*

*Clause 199—Concentration or diversion of drainage.*

*Clause 200—Drainage of land.*

*Clause 201—Approved schemes.*

These clauses relate to the powers of councils in relation to sewers and drains.

## **Division 2—Provisions Relating to Roads and Public Highways and Traffic Regulation**

*Clause 202—Crown has absolute property.*

*Clause 203—Duty of councils over roads and public highways.*

*Clause 204—Powers of Councils over roads and public highways.*

This clause and Schedule 10 apply to roads and public highways.

*Clause 205—Powers of Councils over traffic.*

This clause and Schedule 11.

*Clause 206—Submissions under section 223.*

*Clause 207—Registrar of Titles and *Transfer of Land Act* 1958.*

*Clause 208—*Transport Act* 1983 and *Road Safety Act* 1986.*

These clauses relate to the powers of councils in relation to roads.

## **PART 10—INQUIRIES REVIEWS AND SUSPENSION OF COUNCILS**

### **Division 1—Inquiries and Suspension of Councillors**

*Clause 209—Minister may appoint Commissioner and establish inquiry.*

This clause permits the Minister to appoint a person as a Commissioner to—

- (a) conduct an inquiry into matters relating to the affairs of a council; and
- (b) to report in writing to the Minister on those matters.

*Clause 210—Protection of Commissioner.*

*Clause 211*—Rules of evidence do not apply.

*Clause 212*—Witnesses may be represented.

*Clause 213*—Access of Commissioner to places, documents etc.

*Clause 214*—*Evidence Act 1958*.

*Clause 215*—Some proceedings of inquiry may be in private.

*Clause 216*—Publishing report of Commissioner or proceedings.

*Clause 217*—Notice to Council.

*Clause 218*—Outcome of inquiry.

These clauses relate to the holding and outcome of an inquiry under clause 217.

*Clause 219*—Suspension of Councillors.

The Minister may recommend to the Governor in Council that a council may be suspended if the Minister considers that the council has failed—

- (a) to provide for the good government of its municipal district in relation to its functions; or
- (b) to perform a function which it is required to perform; or
- (c) to form or maintain a quorum; or
- (d) to comply with any law.

An Order under this Part must be laid before Parliament and expires one year after the date of its publication.

After the Order in Council expires—

- (a) the Governor in Council must reinstate the councillors whose terms have not expired to their offices and must fix a date for any by-election for a vacancy in the office of a councillor whose term has expired and the administrator then goes out of office; or
- (b) the Minister must fix a date for the holding of a general election for the council; or
- (c) a Bill to dismiss the council must be introduced into Parliament.

#### **Division 2—Periodic Review of Electoral Representation by Council**

*Clause 220*—Council must undertake review.

At least once every six years a council must undertake a review of its electoral representation. There is a right of submission to the council by the public in respect of this review.

### **PART 11—GENERAL**

*Clause 221*—Service charges on non-rateable land.

Council may impose a charge for various services it provides.

*Clause 222*—Right of inspection.

This clause relates to public inspection of council documents.

*Clause 223*—Right to make submission.

This clause provides the procedure for a person to make submissions to a council.

*Clause 224—Authorised officers.*

*Clause 225—When occupier or Council can carry out required work.*

*Clause 226—Right of owner to carry out required work on occupied land.*

*Clause 227—Recovery of money owed to Council by a former owner or occupier.*

*Clause 228—Protection from liability.*

These clauses relate to the powers of councils to enter private land.

*Clause 229—Land information certificate.*

This clause permits the introduction of a land information certificate to be issued by councils.

*Clause 230—Notice in relation to disposition of land.*

*Clause 231—Council or Minister may act instead of designated officer.*

*Clause 232—Proceedings.*

*Clause 233—Service on a Council.*

*Clause 234—Service on a person.*

*Clause 235—Evidence of service.*

*Clause 236—Power of delegation.*

*Clause 237—Council records and information.*

*Clause 238—Obstructing Council.*

*Clause 239—Persons who are liable for offences.*

*Clause 240—Penalties.*

*Clause 241—Evidence of ownership.*

*Clause 242—Evidentiary provisions.*

These clauses provide procedures relating to the operations of councils.

*Clause 243—Regulations.*

This clause provides for the making of regulations under the Act.

#### **Schedule 1**

This Schedule sets out functions of councils under the legislation.

#### **Schedules 2 to 4**

These Schedules relate to the holding of municipal elections.

#### **Schedule 5**

This Schedule makes provision for approval of the returning officer of how to vote card.

#### **Schedule 6**

This Schedule makes provisions for equal employment opportunity programs and reporting requirements.



### **Schedule 7**

This Schedule makes provision with respect to the Local Government Qualifications Board.

### **Schedule 8**

This Schedule makes provision for the matters to be considered in making a local law.

### **Schedule 9**

This Schedule concerns provisions relating to securities when councils undertake borrowings.

### **Schedules 10 and 11**

These Schedules relate to the powers of councils over roads, public highways and traffic.

### **Schedule 12**

This Schedule relates to the making of regulations under the Act.

