

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE AND INTEGRITY) BILL 2024

(Amendments made by the Legislative Council)

1. Clause 1, page 2, line 13, omit "changes;" and insert "changes."
2. Clause 1, page 2, lines 14 to 17, omit all words and expressions on these lines.
3. Clause 2, lines 19 to 20, omit "and Part 4".
4. Clause 2, line 22, omit "and Part 4 come" and insert "comes".
5. Clause 6, lines 11 to 28, omit all words and expressions on these lines and insert—
 - '(2) After section 34(2)(i) of the Principal Act **insert**—
 - "(ia) is the subject of an Order under section 34A that has not been disallowed by a resolution of either House of Parliament; or
 - (ib) has been subject to 2 or more Orders under section 229A in the preceding 8 years and the period during which the second of those Orders may be disallowed by a resolution of either House of Parliament has expired, for the period of 4 years following the expiry of that disallowance period; or".
 - (3) After section 34(2) of the Principal Act **insert**—
 - "(2A) A person is disqualified from being a Councillor for the period determined under subsection (2B) if—
 - (a) the person has been subject to a finding of serious misconduct by a Councillor Conduct Panel under section 167 in the preceding 8 years and the period during which the person can apply under section 170 to VCAT for a review of that finding has expired; and
 - (b) the person has been subject to an Order under section 229A in the preceding 8 years and the period during which that Order may be disallowed by a resolution of either House of Parliament has expired.

- (2B) For the purposes of subsection (2A), the period of disqualification is the later of the following periods—
 - (a) 4 years following the finding of serious misconduct;
 - (b) 4 years following the expiry of the disallowance period specified in subsection (2A)(b).".'
- 6. Clause 7, page 6, line 9, omit 'meeting.'" and insert "meeting."
- 7. Clause 7, page 6, after line 9 insert—
 - '(6) An Order made under subsection (1)—
 - (a) must be laid before both Houses of Parliament—
 - (i) if Parliament is then sitting, within 7 days after its making; or
 - (ii) if Parliament is not then sitting, within 7 days after the next meeting of Parliament; and
 - (b) may be disallowed by a resolution of either House of Parliament within 7 days after it has been laid before each House.".'
- 8. Clause 15, line 18, omit "suspend" and insert "recommend the suspension of".
- 9. Clause 19, page 12, line 8, before "client legal privilege" insert "legal professional privilege or".
- 10. Clause 19, page 12, line 10, omit "client legal" and insert "that".
- 11. Clause 19, page 12, line 14, before "client legal privilege" insert "legal professional privilege or".
- 12. Clause 19, page 12, line 19, before "client legal privilege" insert "legal professional privilege or".
- 13. Clause 24, page 19, line 5, before "client legal privilege" insert "legal professional privilege or".
- 14. Clause 24, page 19, line 17, before "client legal privilege" insert "legal professional privilege or".
- 15. Clause 24, page 19, line 19, omit "client legal" and insert "that".

16. Clause 31, lines 10 to 33 and page 25, lines 1 to 25, omit all words and expressions on these lines and insert—

- "(1) On the recommendation of the Minister, the Governor in Council, by Order, may suspend a Councillor for a period not exceeding 12 months.
- (2) The Minister must not make a recommendation under subsection (1) unless—
 - (a) a Municipal Monitor or a Commission of Inquiry has provided a report to the Minister stating that the Councillor—
 - (i) is creating a serious risk to the health and safety of Councillors or members of Council staff; or
 - (ii) in the Councillor's capacity as a Councillor, is creating a serious risk to the health and safety of other persons; or
 - (iii) is preventing the Council from performing its functions; and
 - (b) the Minister is satisfied that the Councillor—
 - (i) is creating a serious risk to the health and safety of Councillors or members of Council staff; or
 - (ii) in the Councillor's capacity as a Councillor, is creating a serious risk to the health and safety of other persons; or
 - (iii) is preventing the Council from performing its functions; and
 - (c) the Minister is satisfied that—
 - (i) the Councillor has not been the subject of a determination under section 167 in respect of conduct specified in the report; and
 - (ii) no Councillor Conduct Panel is considering a matter that is dealt with in the report; and
 - (d) the Minister has notified the Councillor in writing that—
 - (i) the Minister intends to make the recommendation; and

- (ii) the Councillor may provide a response to the Minister within 10 business days; and
 - (e) the Minister has considered any response provided by the Councillor within 10 business days after the notification.
 - (3) If an Order is made under subsection (1), the Minister must provide a copy of the Order to the Councillor and to the Council.
 - (4) A copy of an Order given to a Council under subsection (3) must be tabled at and recorded in the minutes of the next Council meeting.
 - (5) An Order made under subsection (1)—
 - (a) must be laid before both Houses of Parliament—
 - (i) if Parliament is then sitting, within 7 sitting days after its making; or
 - (ii) if Parliament is not then sitting, within 7 days after the next meeting of Parliament; and
 - (b) may be disallowed by a resolution of either House of Parliament within 7 days after it has been laid before each House.
 - (6) If an Order made under subsection (1) is disallowed by a resolution of either House of Parliament, the Councillor resumes office on that disallowance."
17. Clause 31, page 25, line 27, omit "A Councillor suspended under section 229A" and insert "Unless an Order made under section 229A is disallowed by a resolution of either House of Parliament, a Councillor suspended by that Order".
 18. Clause 66, omit this clause.
 19. Clause 69, page 48, lines 17 to 18, omit all words and expressions on these lines.
 20. Clause 70, omit this clause.
 21. Clause 72, omit this clause.
 22. Part heading preceding clause 74, omit this heading.
 23. Clause 74, omit this clause.

24. Clause 75, omit this clause.

AMENDMENT OF LONG TITLE

25. Long title, omit ", to make consequential amendments to the **Victorian Civil and Administrative Tribunal Act 1998**".

Certified –

Clerk of the Legislative Council