

Review of the Local Government Act 1989 Terms of Reference

Purpose

1. The purpose of the review is to revise the current legislation governing local government in Victoria to create a more contemporary, accessible, plain English Act, that meets current and future needs of the community and local government sector.

Scope

2. The review will consider all aspects of the current Local Government Act 1989 with a view to more accurately and consistently reflecting policy intent and improving clarity, including provisions setting out:
 - objectives, roles, functions, and powers of councils;
 - roles and responsibilities of councillors, mayors, chief executive officers, and council staff;
 - directions about governance and administrative processes required to be followed by councils directed to ensuring all decision-making, actions and reporting is open and transparent, free from bias and improper considerations, and provides for community input;
 - the system of electoral representation that provides fair and equitable representation;
 - electoral arrangements that deliver a democratic, transparent and secure system of elections for local government resulting in high levels of participation;
 - processes for the maintenance of efficient planning and reporting, and financial arrangements by councils that provide effective accountability to their communities;
 - offences under the Act;
 - the circumstances in, and the extent to which, the Victorian Government, through the Minister for Local Government, can guide, direct or intervene in council governance.
 - The review will include consideration of all legislation for which the Minister for Local Government has administrative responsibility with a view to simplifying and integrating these Acts in the new Act where possible; but will not include consideration of legislation which imposes responsibilities on councils which is not the responsibility of the Minister for Local Government (e.g. The Planning and Environment Act 1987), except insofar as this latter legislation interacts with the Local Government Act 1989 with a view to clarifying that interaction.
 - The review will not include consideration of any changes to existing external boundaries of Victorian municipalities.

Principles

3. The review will have regard to:
 - The recognition in the Victorian Constitution of local government as a distinct and democratic tier of government in Victoria charged with responsibility for delivering peace, order and good government for local communities.
 - The necessity for the legislation to strike an appropriate balance between autonomy for councils in their operations and decision-making processes and the interests of the Victorian community and Government.
 - The need to encourage greater community engagement.
 - The need to reduce, wherever practicable, the imposition of unnecessary administrative requirements on the sector.

Process

4. The review will involve extensive engagement with the local government sector and the broader Victorian community, through the release of papers and receipt of submissions, to ensure their views are incorporated into recommendations to the Minister for Local Government in respect to the new Act.
5. Key consultation stages are:
 - i. Identification of and consultation on issues under the current Act
 - ii. Development of and consultation on proposed directions for the new Act
 - iii. Release of the Exposure Draft Bill.