

## 2020 LOCAL GOVERNMENT ELECTIONS CANDIDATE INFORMATION AND TRAINING

Presented by the Victorian Local Governance Association  
(VLGA)

Steve Cooper  
0412 809 974

The VLGA acknowledges the Traditional Owners of country throughout Victoria and recognises their continuing connection to land, waters and community. We pay our respects to the Traditional Owners, their elders past, present and future, and to their cultures.



Victorian Local  
Governance Association



Suite G06, 80 Leicester Street  
Carlton VIC 3053  
03 8349 7889  
vlg@vlga.org.au  
www.vlga.org.au

### HOUSEKEEPING

- Introductions
- Mute mic unless asking a question / making comment
- Participate and ask questions along the way or at session end
- Chat function: can be used to lodge questions
- Take advantage of scheduled breaks
- Respect each others' opinions

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### IMPORTANT

**This is NOT the prescribed (or mandatory)  
candidate training as required under  
section 256(7) of the  
Local Government Act 2020**

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## OVERVIEW

### **Module 1: Basics of local government**

- What is local government
- Role of local government and elected councillors
- Challenges faced by local government

*Break*

### **Module 2: Election and candidacy**

- Candidate eligibility
- 2020 election: key dates
- Campaign: issues and considerations

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## MODULE ONE

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## WHAT DOES YOUR COUNCIL DO?

- Typically provides ~ 100 services:
  - Community infrastructure: roads, bridges and drains, and facilities like pools and libraries
  - Property, economic, human, recreational, health and cultural services: festivals, pet registration, tourism, immunisation, local business and economic development
- Plans for future growth and development (strategic and statutory planning)
- Enforces state and local laws relating to such matters as land use, environmental protection, public health, traffic/parking and animal management
- Emergency management and disaster response

## ROLE OF LOCAL GOVERNMENT AND GOOD GOVERNANCE

- **Purpose**
- *“..... local government is a distinct and essential tier of government consisting of democratically elected Councils having the functions and powers that the Parliament considers are necessary to ensure the peace, order and good government of each municipal district.”*

- Section 1, Local Government Act 2020

## ROLE OF LOCAL GOVERNMENT AND GOOD GOVERNANCE (CONT)

- Overarching governance principles (s9, *Local Government Act 2020*) include:
  1. ... *in accordance with relevant law*
  2. ... *best outcomes.. including future generations*
  3. ... *economic, social and environmental sustainability... including mitigation and planning for climate change risks*
  4. ... *community to be engaged in strategic planning and decision making*
  5. ... *innovation and continuous improvement*
  6. ... *collaboration with other councils, government and statutory bodies*
  7. ... *ongoing financial viability*
  8. ... *regional, state and national plans are taken into account*
  9. ... *transparency in council decisions*

## LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION

### **1 September 2020**

Governance rules, Expenses policy, Delegated Committees, Asset Committees, Audit & Risk Committee, Public Transparency

### **17 September 2020**

Mandatory candidate training

### **24 February 2021**

Councillor Code of Conduct

### **1 March 2021**

Community Engagement policy

### **30 April 2021**

Gift policy

### **30 June 2021**

Councillor Induction Training – within 6 months after the Oath is taken, Annual budget, Revenue and Rating Plan

### **31 October 2021**

Financial plan, Council plan, Community vision, Annual report

### **31 December 2021**

CEO employment and remuneration policy, Workforce plan, Recruitment policy, Staff Code of Conduct, Complaints policy, Procurement policy

### **30 June 2022**

Asset Management plans

## CURRENT ISSUES FACING COUNCILS

- COVID
- Local Government Act: major reforms
  - Wards and voting system
  - Rating issues (Review and capping in context of COVID pressures)
  - Powers and tenure of Mayors
  - Strengthened councillor code of conduct process
- Impact of climate change on council assets and operations
- Maintaining adequate funding, inc. from State and Federal governments
- Land use planning
- Upgrading technology and capacity

## ROLE OF COUNCILLORS (S.28)

1. *The role of a Councillor is*
  - a. *participate in the decision-making of the Council; and*
  - b. *represent the local community in that decision-making; and*
  - c. *contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan*
2. *In performing the role of a Councillor, a Councillor must*
  - a. *consider diversity of interests and needs of local community*
  - b. *support the role of the council*
  - c. *acknowledge and support the role of the Mayor...*
3. ***The role of a Councillor does not include the performance of any functions that are specified as functions of the Chief Executive Officer.***

## MAYOR AND DEPUTY MAYOR (S.18-27)

- Role of mayor (s.18)
  - chair meetings and are spokesperson/the face of council
  - lead community engagement on development and annual reporting the council plan
  - assist councillors understanding their roles and promote good behaviour
  - Advise CEO on setting of Council. agendas
  - civic and ceremonial duties (e.g. citizenship ceremonies)
  - appoint councillor to chair delegated committees (s.19)
- Mayor/Deputy Mayor are elected by councillors for 1 or 2 year term (s.25 – s.27)\*

## COUNCILLOR AND MAYOR ALLOWANCES AND SUPPORT

- Allowance for Mayor/DM and councillors are set independently (s.39)
- Expenses incurred during course of councillor duties can be reimbursed (s.40)
- Councils must adopt a councillor expense policy outlining the process and inclusions of expenses (s.41)
- Councillors and Mayors are also entitled to certain facilities and resources (e.g. mobile phone, mayoral car etc)
- Councillors and Mayors are indemnified for claims and actions arising during the course of their duties if they “acted in good faith” (s.43)

## COUNCILLOR AND MAYOR ALLOWANCES AND SUPPORT

Category 1	Category 2	Category 3
Current Range:	Current Range:	Current Range:
Councillors \$8,833- \$21,049	Councillors \$10,914- \$26,245	Councillors \$13,123- \$31,444
Mayor up to \$62,884	Mayor up to \$81,204	Mayor up to \$100,434

Strathbogie Shire Council

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## INTEGRITY AGENCIES

### **Four integrity agencies in Victoria:**

1. Local Government Inspectorate (LGI)
2. Victorian Auditor-General's Office (VAGO)
3. Independent Broad-based Anti-corruption Commission (IBAC)
4. Victorian Ombudsman

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## PENALTIES UNDER THE ACT INCLUDE:

- Not taking oath of office within 3 months of being elected (s.31) – vacancy of office of councillor
- Acting as a councillor when not qualified or ceasing to hold office (s.38 120 penalty units [1 penalty unit = \$165.22], or 12 months imprisonment)
- Misuse of position to gain or cause detriment (s.123, 600 penalty units or 5 years imprisonment)
- Directing staff (s.124, 120 penalty units)
- Disclosure of confidential information (s.125, 120 units)
- Failure to declare material conflict of interest (s.130, 120 penalty units)
- Failure to lodge initial/biannual personal interest returns/false returns (s.133/134, 60 penalty units)

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## COUNCIL PLAN AND BUDGET

### Our Goals

#### 1. To enhance community health and wellbeing

Our key strategies to achieve this goal...

- 1 Plan for improved community health, wellbeing and liveability
- 2 Engage and participate with the community in Council / Community initiatives
- 3 Enhance community resilience including supporting and increasing the participation of volunteers
- 4 Support and drive community, arts and cultural events

Plan for improved community health wellbeing and liveability

Key Strategies	2017/18	2018/19	2019/20	2020/21
Continue to support and participate in the Strathbogie Health and	✓	✓	✓	✓



### CHIEF EXECUTIVE OFFICER (S.46)

- Recruitment & performance management conducted by mayor and councillors in line with CEO Employment and Remuneration Policy
- Provides advice and support to mayor and councillors
- Responsibility for council operations, including staff, in line with adopted council workforce plan, with projected staffing for minimum of 4 years
- Delegates responsibilities to appropriate staff(s.47)
- A sound working relationship between the CEO and elected representatives is critical to the success of councils

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### CONFLICTS OF INTEREST / PERSONAL INTERESTS

- Applies to all councillors and all staff, including CEO
- Conflict of interest guides ethical conduct and integrity in decision making (s.126-131 of the Act deals with conduct and interests).
  - Material interest: when one stands to gain (or incur a loss) when a decision is being made
  - General interest: when private interests conflict with councillor's public duty
- Elected councillors should attend further training on conflicts of interest
- Always seek advice from council governance manager and/or independent advice if you are not sure
- Be alert to 'Winky Pop' type issues

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## COUNCILLOR CODE OF CONDUCT

- Councillor code of conduct must be adopted by at least 2/3 of council within 4 months post election (s.139)
- The Code describes the standard of expected conduct by councillors during the course of their duties
- Prohibits discrimination, harassment (including sexual harassment) and vilification
- Breaches to the code are referred to an internal arbiter initially (s.143)
- Serious and gross misconducts are referred to
  - Councillor conduct panel (s.154)
  - Chief Municipal Inspector (s.165)
  - VCAT (s.171)

## AN AVERAGE WEEK FOR A COUNCILLOR

### Commitment required:

- Reading!!
- Council meetings and committees
- Council briefings
- Meeting with residents, community groups/local MPs
- Community events
- Council events
- Reviewing/replying to correspondence
- Social media
- Networking and professional development
- Total 20 – 30 hrs

ANY QUESTIONS?



REFLECTIONS

- What was something new you learnt in the last session?
- What else would you like to know?
- How do you feel now about upcoming elections?



TIME FOR A BREAK



MODULE TWO



## VICTORIAN COUNCILS

79 councils in Victoria

Population can range from 4,500 – 188,000

Revenue can range from \$15 - 500 million

Roles and functions of councils and councillors are outlined in the new Local Government Act (2020)

The new *Local Government Act 2020* will be phased in over a four-year period to 2024.

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## ELIGIBILITY TO NOMINATE AS A COUNCILLOR

- |   |   |
|---|---|
| ✓ Enrolled as a voter in the municipality   | ✗ Undischarged bankrupt, including property subject to control under bankruptcy law   |
| ✓ Australian citizen or eligible British subject & over 18                              | ✗ <b><i>Disqualified by VCAT for gross misconduct as a councillor,</i></b>  |
| ✓ Live or own property within the municipality  | ✗ <b><i>Findings of 2 or more cases of serious misconduct in the preceding 8 years</i></b>  |
| ✓ Do not need to live/own property in specific ward in order to nominate and be elected | ✗ <b><i>Been convicted of failing to lodge election donation return</i></b>   |
| ✓ Must have completed prescribed training   | ✗ Certain offences in the preceding 8 years with penalties of at least 120 units or 12 month imprisonment (Local Government Act) or 2 years imprisonment (other Acts) |
|   | ✗ Disqualified from managing corporations under Part 2D.6 the Corporations Act  |
|   | ✗ A councillor with another council   |
|   | ✗ You are a Federal State/Territory MP  |

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### SPECIAL CONSIDERATIONS

- If you work for the council in which you intend to become a councillor, or
- Employed as a staffer, officer or adviser with a State/Territory MP or Commonwealth MP

You are eligible to NOMINATE if you are in either of the above scenarios, provided you take leave during the election period.

However, you MUST resign from council/MP office once you are elected. Failure to do so will make you ineligible to take oath of office of councillor and you will be disqualified as a result.

Offence for nominating when not eligible: 240 penalty units or 2 year imprisonment (s.286)

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### THE VICTORIAN ELECTORAL COMMISSION (VEC)

- VEC is the independent body engaged by councils to conduct their local government elections
- VEC will establish election offices in each municipal area in September
- Candidates are strongly encouraged to use the VEC's online candidate helper portal to submit their applications
- VEC provides information and resources to candidates via their Candidate Handbook
- VEC also conducts candidate information workshops closer to election time
- <https://www.vec.vic.gov.au/Voting/LocalCouncilElections.html>

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- ## QUICK DEFINITIONS
- **Ward:** internal boundaries within a council. Usually a suburb/town (or a few).
  - **Unsubdivided:** elected by voters across the entire municipality (no internal boundaries). You need a quota to get elected (proportional representation system).
  - **Multi (or Uniform) member ward:** more than 1 councillor in a ward, quota still needed. Preferences usually matter.
  - **Mixed Multi member ward:** differing number of councillors per ward.
  - **Single-member wards:** you need to achieve the “absolute majority” of votes in your ward to be elected. Preferences can be important, especially with multiple candidates
  - **Quota:** 
$$\frac{\text{number of formal votes}}{\text{number of vacancies}+1} + 1$$



### QUICK EXAMPLE

2 vacancies 4 candidates, 100 voters – therefore quota = 34

Al	30	8	38	Al's surplus 2 <sup>nd</sup> (and 3 <sup>rd</sup> if 2 <sup>nd</sup> to Daisy) votes to be distributed. 75% to Col 25% to Bron)	
Bron	25	8	33	1	34
Col	24	5	29	3	32
Daisy	21				

### KEY DATES FOR 2020 ELECTIONS

Entitlement Day	28 August 2020 (close of roll at 4pm)
Opening of nominations and finalization of voters' roll	17 September 2020
Close of nominations and ballot order drawn	22 September 2020 (12 noon)
Deadline for candidate statement, photo and questionnaire Early voting begins	23 September 2020 (12 noon)
Mail out of postal ballot packs/Uncontested ward notices	6-8 October 2020
Close of early voting	23 October 2020 (6 pm)
Election day	24 October 2020
Postal votes must be received	30 October 2020 (12 noon)
All results declared	13 November 2020

## BEING A CANDIDATE

- Who am I or who do I want to be known as?
  - What are my values?
  - What am I passionate about (and how do they relate to local government)?
  - What are my key messages?
- Where do I start?
  - Council Plan
  - Issues facing the community
  - Have a conversation with your family and close friends
  - <https://www.vlga.org.au/sites/default/files/Your%20Campaign%20Toolkit%20-%20April%202020.pdf>
- Being a credible & knowledgeable candidate

## CAMPAIGN MATERIAL AND TASKS

- What sort of campaign will I run?
- Do I know the local issues?
- Can I talk comfortably about my city/local area?
- What needs to be done to make things better?
- Do I need How to Vote cards?
- How much will it all cost?
- Who will fund my campaign?

## PROMOTING YOURSELF

Note - Any electoral material needs to be authorised

- Social media
- Local media
- Community stalls/events
- Local committees (e.g. neighbourhood house, council advisory committees)
- Letters/pamphlets
- Door knocking
- Posters
- Post cards

## CAMPAIGN TIPS

- |   |  |
|---|--|
| ✓ Let people know you are a candidate   | ✗ Run as a single issue candidate                        |
| ✓ Make time for your campaign   | ✗ Over reliance on one campaign platform/tool            |
| ✓ Be authentic  | ✗ Don't try and do everything yourself                   |
| ✓ Be prepared to step out of your comfort zone/be challenged  | ✗ Don't expect everyone to share your views/vote for you |
| ✓ Seek out supporters   | ✗ Don't take anonymous donations                         |
| ✓ Catch up with other candidates  |  |
| ✓ Use plain English   |  |
| ✓ Read safe campaigning guidelines<br><a href="https://www.localgovernment.vic.gov.au/resilience-and-emergency-management/coronavirus-covid-19-information">https://www.localgovernment.vic.gov.au/resilience-and-emergency-management/coronavirus-covid-19-information</a> |  |

## FUND RAISING AND CAMPAIGN FINANCES (S.306 – S.307)

- \$500 donation/gift disclosure threshold applies to candidates and councillors
- Threshold includes multiple donations from same source and in-kind support (e.g. billboard, car rental etc)
- You do not need to spend big in your campaign
- Consider local fund raising opportunities (e.g. dinner, movies etc)
- Keep a record of all donations
- You must submit a donation return within 40 days after the election day, even if your donations are below the disclosure threshold
- CEO must ensure all donation returns are available on the council's website

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## WHAT YOU CAN ACHIEVE

- Influence outcomes on issues that you believe in
- Contribute to policy and programs that impact on the local community
- Meet people from other places and from all walks of life
- Know more about what's going on in the local community
- Work on interesting and diverse local issues
- Develop a range of policy, negotiation and procedural skills

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### YOU CANNOT DO THIS ALONE

- Work with other councillors, CEO and staff
- Work with other tiers of government
- Make the difficult decisions and acknowledge mistakes
- Stay in touch with your community
- Be supported by your friends and family
- Be open to constructive criticism
- Have a curious mind

The logo for VLGA, consisting of the letters 'VLGA' in a bold, green, sans-serif font. A large, faint, light-grey 'VLGA' watermark is visible in the background of the slide.

### WHERE TO FROM HERE?

- Consider your eligibility
- Read council plan, meeting agenda and minutes
- Attend or watch a council meeting – ask a question
- Meet your sitting councillors – have a coffee with them or write them a letter/email
- Council advisory committees – publicly listed
- Lobby on an issue that you are passionate about – start a petition, gather community members, use social media
- Have conversations with family, friends and neighbours about the roles and responsibilities of local government

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### WHAT IF COUNCIL IS NOT FOR ME?

- Encourage others to run
- Support candidates what share your values
- Tell others about council – informed voters elect better candidates
- Participate in council consultation processes on key strategies and policies (online or in person)
- Make a submission to the council's draft budget (March – May) and apply for a council grant if you are part of a club/community organisation



### WHAT IF I DON'T GET ELECTED?

- It's OK to be disappointed – it can be a marathon
- Maintain your contacts and connections
- Mentor others – about council, election and campaigning
- Put your hand up for local clubs or associations, consultation opportunities or council advisory committees
- Continue to be an active member of your community



### WANT TO KNOW MORE?

- Your local council
- Victorian Electoral Commission
- Victorian Local Governance Association  
(03) 9349 7999  
vlga@vlga.org.au  
www.vlga.org.au



### A SECOND REMINDER

**This is NOT the prescribed (or mandatory)  
candidate training as required under  
section 256(7) of the  
Local Government Act 2020**



ANY FINAL QUESTIONS?



THANK YOU!

