

Committee report to Council

Agenda item 5.2

Council

Notice of Motion, Cr Jackie Watts: Local Government Electoral Reform

28 July 2020

Committee: Future Melbourne**Presenter:** Cr Jackie Watts**Purpose and background**

1. The purpose of this report is to recommend that Council request the Lord Mayor write to the Minister for Local Government in relation to Local Government Electoral Reform.

Consideration at Committee

2. Following consideration by the Future Melbourne Committee on 21 July 2020 (refer to Attachment 1), the Committee made a recommendation to Council as presented below.

Recommendation

3. That Council request:
 - 3.1. The Lord Mayor to write to the Minister for Local Government to:
 - 3.1.1. Express Council's congratulations on Minister Shaun Leane's appointment to the local government portfolio and welcoming of overdue local government reforms delivered through the passing of the Local Government Act 2020, but noting that some of the reforms do not apply to the municipality of Melbourne.
 - 3.1.2. Call on the State Government to:
 - 3.1.2.1. Commit to undertaking a review of the City of Melbourne Act 2001 (CoM Act) in sufficient time for the 2024 local government elections, noting that the CoM Act has not been reviewed since introduction.
 - 3.1.2.2. Consider as part of a review of the CoM Act, an amendment to entitle Traditional Custodians of lands and waters within the Melbourne City Council municipal district to enrol to vote in Melbourne City Council elections.
 - 3.1.3. Implement, in the interim and in time for forthcoming council elections, the following electoral funding reforms under the *Local Government Act 2020*:
 - 3.1.3.1. Candidates be required to disclose any donation and/or in kind gift within three business days of receipt.
 - 3.1.3.2. Capping donations to candidates at not more than \$4,000 from any one person or organisation within any 12 month period.
 - 3.1.3.3. Prohibit taking donations from persons who personally own or hold controlling interests in companies that actively engage in the property development industry or derive gambling income in Victoria.
 - 3.2. City of Melbourne Officers investigate options for the City of Melbourne or other entities to establish platforms for democratic debate if local government elections in October are held during a period of physical distancing and restrictions on public gatherings.

Attachment:

1. Future Melbourne Committee, Agenda item 7.5, 21 July 2020 (Page 2 of 3)

Future Melbourne Committee

Notice of Motion – Cr Jackie Watts. Local Government Electoral Reform

Motion

That the Future Melbourne Committee recommends that Council request the Lord Mayor to write to the Minister for Local Government to:

1. Express Council's congratulations on Minister Shaun Leane's appointment to the local government portfolio and welcoming of overdue local government reforms delivered through the passing of the *Local Government Act 2020*, but noting that some of the reforms do not apply to the municipality of Melbourne.
2. Call on the State Government to:
 - 2.1. Commit to undertaking a review of the *City of Melbourne Act 2001 (CoM Act)* in sufficient time for the 2024 local government elections, noting that the CoM Act has not been reviewed since introduction.
 - 2.2. Consider as part of a review of the CoM Act, an amendment to entitle Traditional Custodians of lands and waters within the Melbourne City Council municipal district to enrol to vote in Melbourne City Council elections and to qualify as candidates to be a City of Melbourne Councillor.
 - 2.3. Implement, in the interim and in time for forthcoming council elections, the following electoral funding reforms under the *Local Government Act 2020*
 - 2.3.1. Candidates be required to disclose any donation and/or in kind gift within three business days of receipt.
 - 2.3.2. Restricting donations and/or in kind gifts to candidates to be from persons on the Victorian electoral roll.
 - 2.3.3. Capping donations to candidates at not more than \$4,000 from any one person or organisation within any 12 month period.
 - 2.3.4. Prohibit taking donations from persons who personally own or hold controlling interests in companies that actively engage in the property development industry or derive gambling income in Victoria.

Background

1. Key matters governing electoral processes in this municipality are referred to in the City of Melbourne Act 2001 and not the *Local Government Act 2019*.
2. In 2015, the Victorian Government commenced a review of the *Local Government Act 1989*. The 2018 version of proposed reforms to be included within a new *Local Government Act* was a cap of \$4000 for on electoral campaign donations from a single donor to individual City of Melbourne candidates and candidate groups. The donations cap for other municipal elections was \$1000. These proposed reforms did not appear in the *Local Government Bill 2019*. The reason given for this excision by the former Local Government Minister at the time was that the IBAC inquiry into the Casey City Council should report first.
3. In 2016, the City of Melbourne initiated a voluntary donations disclosure regime, hosted by The Age newspaper, in lieu of a robust and publicly defensible donations declaration regime in the legislation.

4. This Committee agreed in principle in December 2018 “that Australian electoral franchises based on entitlements associated with land should include Traditional Owner as a class of entitlement, and that the City of Melbourne should pilot this inclusive franchise at the next general election in October 2020”. The resolution of the Committee authorised the Chair of the Aboriginal City portfolio, Cr Frances Gilley, to approach the Local Government Minister, Minister for Aboriginal Affairs and Premier to request their support for amendments to the City of Melbourne Act 2001 to entitle Traditional Custodians of lands and waters to enrolment and candidacy. Cr Frances Gilley has pursued this matter on Council’s behalf diligently, however the State Government has not prioritised the request; the matter is included in the proposed motion to reassert Council’s request.

Moved by: Cr Jackie Watts

Seconded by: Cr Nicolas Frances Gilley