

# **Local Government Bill**

## **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 a system of local government which is more accountable to the public; 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 the development of its municipal district in the best interests of the public; and
- (c) to provide adequate, equitable and appropriate services and facilities for the public 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.

Under sub-clause (5), a Council has a duty not to begin to carry out a function which would unnecessarily duplicate a function which is being efficiently and effectively performed another public body.

*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 less 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 applications 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—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 20*—Chief Electoral Officer to prepare list.

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

*Clause 21*—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 22 and 23*—Correction of voters' lists; Preparation of voters' rolls.

These clauses relate to the preparation of a voters' roll.

*Clause 24*—Governor in Council may direct changes.

This clause provides the Governor in Council may make certain corrections in connection with preparation of voters' rolls.

*Clause 25*—Validity of voters' roll.

This clause relates to the validity of a voters roll.

*Clause 26*—Chief Electoral Officer's expenses.

Under this clause the Chief Electoral Officer may recover from councils the costs of preparing voters' lists under clause 20.

*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 31–33*—Application of Division; Annual Elections; Extraordinary vacancy within 2 months before an annual election.

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. Clause 33 provides that if an extraordinary vacancy occurs within 2 months before the annual election the vacancy is to be filled at that election.

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

## **Division 5—Triennial Elections**

*Clauses 34–38*—Application of Division; City of Melbourne and unsubdivided Councils must hold triennial elections; Councils may apply to hold triennial elections; General elections; Extraordinary vacancy within 6 months before a general election.

These clauses deal with the holding of triennial elections. This form of election is to be compulsory for the City of Melbourne and any Council which is not subdivided. Other councils may decide to hold triennial elections, but, if they do, they must complete at least two terms of triennial elections before reverting to annual elections.

#### **Division 6—By-elections**

*Clause 39—By-elections.*

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

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

*Clause 40—One vote per person.*

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

*Clause 41—Voting is compulsory.*

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

*Clause 42—Holding of an election.*

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

*Clause 43—Voting and Counting of votes.*

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

*Clause 44—Proportional representation.*

A council may introduce proportional representation as a means of counting votes and must keep the system for at least 6 years before reverting to the exhaustive preferential system.

*Clause 45—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 46—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 47—Application for an inquiry.*

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

*Clause 48—Powers of a municipal electoral tribunal.*

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

*Clause 49—Report to the Minister.*

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

*Clause 50—Decision is final.*

A decision of a municipal electoral tribunal is final.

*Clause 51—Reasons for decision.*

A municipal electoral tribunal must give reasons for its decision.

*Clause 52—Scrutiny of voters' roll or rolls.*

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

*Clause 53—Validity of election.*

This clause relates to the validity of elections.

*Clauses 54–62—Unlawful nomination; Prohibition of canvassing near polling place; Interfering with rights; Printing and publication of electoral material; False and defamatory statements; Offences relating to ballot papers; Bribery, treating and undue influence; Infringement of secrecy; Penalty on officers.*

These clauses provide offence provisions against Part 3.

*Clause 63—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 64—Declaration of office.*

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

*Clause 65—Oath of Allegiance.*

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

*Clause 66—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 67—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 68—Ouster from office.*

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

*Clause 69—Retirement of Councillors.*

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

*Clause 70—Extraordinary vacancies.*

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

*Clause 71—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 72—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.

*Clause 73—Time for statutory meeting.*

This clause relates to the holding of the annual statutory meeting of councils.

*Clauses 74–76—Procedure for election of Mayor or deputy Mayor; Term of office; Precedence of Mayor.*

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

*Clause 77—Allowances.*

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

*Clause 78—Other allowances.*

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

*Clause 79—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 80—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 81—Pecuniary interests.*

*Clause 82—Duty of Councillor.*

*Clause 83—Exemption by Minister.*

These clauses concern the pecuniary interests of councillors.

*Clause 84—Register of Interests.*

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

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

*Clause 85—Council premises and office.*

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

*Clause 86—Types of meetings.*

*Clause 87—Special meetings.*

These clauses concern the meetings held by councils.

*Clause 88—Call of the council.*

This clause provides for calls of councils.

*Clause 89—Committees of the council.*

This clause provides that a council may establish one or more committees and may delegate certain powers.

*Clause 90—Committees of Councillors.*

This clause relates to committees which comprise solely of councillors.

*Clause 91—Other Committees.*

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

*Clause 92—Notice of meetings.*

This clause provides for notice to be given of meetings of council.

*Clause 93—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.

*Clause 94—Quorum.*

A quorum of the council is a majority of the councillors in office at the time.

*Clause 95—Voting and resolutions.*

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

*Clause 96—Conduct of meetings.*

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

*Clause 97—Validity of proceedings.*

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

*Clause 98—Minutes of meetings.*

Minutes are to be kept of each meeting of council or committee.

### **Division 3—Council Staff**

*Clause 99—Council staff.*

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

*Clause 100—Principles to be observed with respect to Council staff.*

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

*Clause 101—Designated officers.*

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

*Clause 102—Delegation.*

This is a delegation clause.

*Clause 103—Benefits gained by Council staff.*

This clause relates to the benefits gained by council staff.

*Clause 104—Protection against removal from office.*

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

*Clause 105—Long service leave.*

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

*Clause 106—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 examiner.

*Clause 107—Board may make rules.*

*Clause 108—Registrar of the Board.*

*Clause 109—Certificate of qualification.*

*Clause 110—Inquiries by the Board.*

*Clause 111—Effect of suspension or cancellation.*

*Clause 112—Offence to hold office unless certificate holder.*

*Clause 113—Review of determination.*

*Clause 114—Notification of determination of the Board.*

These clauses and Schedule 5 concern the operations of the Board.

## **PART 5—LOCAL LAWS**

*Clause 115—Power to make local laws.*

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

*Clause 116—Incorporation by reference.*

*Clause 117—Permits, licences, fees and charges.*

*Clause 118—Delegations.*

*Clause 119—Penalties.*

*Clause 120—Execution of work.*



*Clause 121—Application of local law.*

*Clause 122—Infringement notices.*

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

*Clause 123—Local law is a subordinate instrument.*

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

*Clause 124—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 125—Availability of local laws.*

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

*Clause 126—Commencement of local laws.*

This clause relates to the commencement of local laws.

*Clause 127—Sunset provision.*

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

*Clause 128—Revocation by Governor in Council.*

A local law may be revoked by the Governor in Council.

*Clause 129—Validity of local law.*

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

## **PART 6—ACCOUNTS AND AUDIT**

*Clause 130—Accounts and records.*

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

*Clause 131—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 132—Audit.*

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

*Clause 133—Examining and settling of financial statements.*

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

*Clause 134—Appointment of municipal auditors.*

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

*Clause 135—Appointment of inspectors of municipal administration.*

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

*Clause 136—Powers of inspectors of municipal administration.*

*Clause 137—Examination of a person.*

*Clause 138—Offences relating to investigations.*

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

*Clause 139—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 140—Payment of the surcharge.*

This clause relates to the payment of the surcharge.

## **PART 7—FINANCIAL PROVISIONS**

*Clause 141—Duty of Council.*

This clause relates to the duty of a council in relation to the security of money.

*Clause 142—Municipal fund.*

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

*Clause 143—Repayment or refunds.*

*Clause 144—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 145—Investments.*

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

*Clause 146—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 147—Circumstances in which power to borrow may be exercised.*

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

*Clause 148—Borrowings to be raised by mortgage.*

Money borrowed by councils must be raised by way of mortgage.

*Clause 149—Provisions with respect to mortgages.*

This clause and Schedule 7 relate to mortgages granted by councils.

*Clause 150—Loan account.*

A council must keep loan accounts into which must be paid money forming part of the loan.

*Clause 151—Overdrafts.*

This clause relates to overdrafts obtained by councils.

*Clause 152—Short-term financial accommodation.*

A council with the consent of the Minister may obtain short term financial accommodation.

*Clause 153—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 154—Revised revenue estimates.*

*Clause 155—Supplementary loan projects program.*

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

*Clause 156—Public notice.*

A council is to give public notice in regard to the matters set out in clauses 165–167. 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 157—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 158—Council may authorise municipal clerk to consider offers.*

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

*Clause 159—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 160—Use of loan for different purpose.*

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

*Clause 161—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, after consultation with the Treasurer, budget for a deficit exceeding 1 per cent.

## **PART 8—RATES AND CHARGES**

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

*Clause 162—What land is rateable?*

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

*Clause 163—What rates and charges may a Council impose?*

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

*Clause 164—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 165—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 166—Declaring rates and charges.*

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

*Clause 167—Municipal charge.*

This clause allows councils to have a municipal charge.

*Clause 168—Minimum Rate.*

A council may make minimum general rates.

*Clause 169—Uniform rate.*

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

*Clause 170—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 171—Service rate and service charge.*

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

*Clause 172—Special rate and special charge.*

*Clause 173—Discontinuance of the works and projects for a special rate or special charge.*

*Clause 174—Receipt of excess money.*

*Clause 175—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 176—Payment of rates and charges.*

*Clause 177—Incentives for prompt payment.*

*Clause 178—Rebates and concessions.*

*Clause 179—Deferred payment.*

*Clause 180—Waiver.*

*Clause 181—Land becoming or ceasing to be rateable land.*

*Clause 182—Land which becomes rateable land or public land.*

*Clause 183—Person acquiring rateable land.*

*Clause 184—Rate records.*

*Clause 185—Council may require occupier to pay rent.*

*Clause 186—Occupier who pays rates or charges.*

*Clause 187—Invalidity of any rate or charge.*

*Clause 188—Rate or charge unpaid for 3 months.*

*Clause 189—Council may sell land.*

These clauses relate to the recovery of rates and charges.

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

*Clause 190—Submissions on decisions under this Part.*

*Clause 191—Appeal to Land Valuation Appeals Board.*

*Clause 192—Appeal to County Court.*

*Clause 193—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 194—Restriction on power to enter into contracts.*

This clause concerns contracts entered into by Councils.

*Clause 195—Acquisition and compensation.*

*Clause 196—Power to accept gifts.*

*Clause 197—Power to sell land.*

*Clause 198—Power to lease land.*

*Clause 199—Power to transfer, exchange or lease land without consideration.*

*Clause 200—Power to use land for another purpose.*

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

*Clause 201—Powers of Council for purposes of its functions or 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 202—Power to compound.*

This clause gives the Council the power to compound.

*Clause 203—Assistance to member of Council staff.*

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

*Clause 204—Regional Committees.*

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

*Clause 205—Guarantees by a Council.*

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

*Clause 206—Sewers and drains vested in the Council.*

*Clause 207—Concentration or diversion of drainage.*

*Clause 208—Drainage of land.*

*Clause 209—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 210—Roads and public highways.*

*Clause 211—Duty of Councils to keep roads and public highways open.*

*Clause 212—Powers of Councils over roads and public highways.*

*Clause 213—Powers of Councils over traffic.*

*Clause 214—Submissions under section 231.*

*Clause 215—Registrar of Titles and *Transfer of Land Act* 1958.*

*Clause 216—*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 217—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 218—Protection of Commissioner.*

*Clause 219—Rules of evidence do not apply.*

*Clause 220—Witnesses may be represented.*

*Clause 221—Access of Commissioner to places, documents etc.*

*Clause 222—*Evidence Act* 1958.*

*Clause 223—Some proceedings of inquiry may be in private.*

*Clause 224—Publishing report of Commissioner or proceedings.*

*Clause 225—Notice to municipal clerk.*

*Clause 226—Outcome of inquiry.*

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

*Clause 227—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 228—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 229—Service charges on non-rateable land.*

Council may impose a charge for various services it provides.

*Clause 230—Right of inspection.*

This clause relates to public inspection of council documents.

*Clause 231—Right to make submission.*

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

*Clause 232—Authorised officers.*

*Clause 233—When occupier or Council can carry out required work.*

*Clause 234—Right of owner to carry out required work on occupied land.*

*Clause 235—Recovery of money owed to Council by a former owner or occupier.*

*Clause 236—Protection from liability.*

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

*Clause 237—Land information certificate.*

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

*Clause 238—Notice of sale.*

*Clause 239—Council or Minister may act instead of designated officer.*

*Clause 240—Proceedings.*

*Clause 241—Service on a Council.*

*Clause 242—Service on a person.*

*Clause 243—Evidence of service.*

*Clause 244—Power of delegation.*

*Clause 245—Council records and information.*

*Clause 246—Obstructing Council.*

*Clause 247—Council may charge interest on unpaid rates and charges.*

*Clause 248—Persons who are liable for offences.*

*Clause 249—Penalties.*

*Clause 250—Evidence of ownership.*

*Clause 251—Evidentiary provisions.*

These clauses provide procedures relating to the operations of councils.

*Clause 252—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 with respect to the Local Government Qualification Board.

#### **Schedule 6**

This schedule concerns provisions relating to mortgages when councils undertake borrowings.

#### **Schedules 7 and 8**

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

#### **Schedule 9**

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