



No. 55 of 1988

Constitution (Local Government) Act 1988

[Assented to 16 August 1988]

The Parliament of Victoria enacts as follows:

Purpose of Act.

1. The purpose of this Act is to—
 - (a) ensure that there continues to be a democratically elected system of local government in Victoria; and
 - (b) identify the areas in which Parliament can make laws relating to local government; and
 - (c) provide that a Council cannot be dismissed except by an Act of Parliament.

Commencement.

2. This Act comes into operation on a day to be proclaimed.

Part IIA of *Constitution Act 1975* substituted.

3. For Part IIA of the *Constitution Act 1975* substitute:

“PART IIA—LOCAL GOVERNMENT”**Local government.**

“74A. (1) There is to continue to be a system of local government for Victoria 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.

(2) An elected Council does not have to be constituted in respect of any area in Victoria—

- (a) which is not significantly and permanently populated; or
- (b) in which the functions of local government are carried out by or under arrangements made by a public statutory body which is carrying on large-scale operations in the area.”.

Local government laws.

“74B. (1) Parliament may make any laws it considers necessary for or with respect to—

- (a) the constitution of Councils; and
- (b) the objectives, functions, powers, duties and responsibilities of Councils; and
- (c) entitlement to vote and enrolment for elections of Councils; and
- (d) the conduct of and voting at elections of Councils; and
- (e) the counting of votes at elections of Councils; and
- (f) the qualifications to be a Councillor; and
- (g) the disqualification of a person from being or continuing to be a Councillor; and
- (h) the powers, duties and responsibilities of Councillors and Council staff; and
- (i) any other act, matter or thing relating to local government administration.

(2) A Council cannot be dismissed except by an Act of Parliament relating to the Council.

(3) Parliament may make laws for or with respect to—

- (a) the suspension of a Council; and
- (b) the administration of a Council during a period in which the Council is suspended or dismissed; and
- (c) the re-instatement of a Council which has been suspended; and
- (d) the election of a Council if a suspended Council is not re-instated; and

- (e) the election of a Council where a Council has been dismissed.”.
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NOTES

1. *Minister's second reading speech—*
Legislative Assembly: 29 April 1987
Legislative Council: 12 April 1988
2. The long title for the Bill for this Act was “A Bill to amend the *Constitution Act 1975* with respect to local government in Victoria.”.