

Election fact sheet:

Successful candidates – what's next?

In the coming days, the VEC will declare the results of the 2024 local government elections.

If you are successfully elected, you will need to familiarize yourself with some important information.

Swearing in ceremony

You are not able to act as a Councillor until you have taken an **oath or affirmation of office**. This requirement is administered by the CEO of the Council, and typically occurs at a swearing in ceremony at a meeting of the Council following the person being declared elected.

The oath or affirmation reinforces the importance and seriousness of the office of a councillor.

The office of a councillor becomes vacant if an elected individual fails to take the oath or affirmation within 3 months from the day on which they were declared elected.

Election of mayor

Following an election, you and your fellow councillors elect a Mayor for a term of either one or two years at an extraordinary Council Meeting.

You may also choose to elect a Deputy Mayor.

Your council's Governance Rules outlines how the elections are undertaken.

A Councillor who becomes a Mayor or Deputy must complete new mandatory training requirements within one month of being elected to office.

The CEO will provide you with the tools and resources to complete this training.

You must also make a written declaration that you have completed the training within the set

timeframe, otherwise your councillor allowances may be withheld until your training is complete.

Mandatory Councillor Induction

We know that a number of council CEOs provided candidates with a program of the mandatory councillor induction program upon their nomination so that you could make the necessary arrangements to be available if elected.

Many of the topics covered during the induction program will reflect the training a CEO is required to provide you upon election.

Your induction training must cover a set range of topics, with other information provided to you by the CEO and their team to provide a local focus.

Local Government Victoria has just released guidance material to support you: [Guidance on mandatory training for mayors, deputy mayors and councillors](#).

The timelines to complete the mandatory induction training has been **reduced from 6 months to 4 months** by recent amendments to the *Local Government Act 2020* (the Act).

All councillors must sign a declaration that they have completed the training within this timeline.

Failure to complete the training may lead to your councillor allowance being withheld until you've completed all the elements.

While training can be either in person or online, it is essential that you attend as many sessions in person as you can, so that you can develop productive working relationships with your fellow councillors, the CEO and executive as quickly as possible.

We know that the challenges faced by lack of face-to-face contact during the 2020 councillor induction program, due to the COVID-19 pandemic, led to significant issues throughout the 2020 councillor term.

The Local Government Inspectorate, along with other integrity agencies, is available to present to councils as part of this induction program. We already have quite a few sessions booked in, and we look forward to meeting the new councillor group.

Campaign Donation Returns

All candidates in the 2024 local government election must complete a Campaign Donation Return form – **even if no donations were received.**

The donation return must be in the form prescribed by legislation – please refer to our [fact sheet](#) for further details.

You must declare:

- All monetary donations equal to, or over the value of, \$500
- All donations of in-kind support equal to, or over the value of, \$500
- All donations of services equal to, or over the value of, \$500
- All donations from the same person or body, if the combined value of the donations you received from that person or body is equal to, or over the value of, \$500

If you received no gifts, you must indicate this in the 'Details of Gifts' section by writing '*No disclosable gifts*' or words to that effect in the table provided.

You must return your form to your council's CEO within 40 days after election day – **by 11:59pm on Thursday 5 December 2024.**

Failure to submit, or providing false or misleading information on a return, can result in prosecution and fines of more than \$11,855 (as of 1 July 2024).

LGI will be undertaking an audit to ensure compliance across the State.

Initial Personal Interest Return

All councillors must submit an initial personal interest return **within 30 days of taking the oath of affirmation** of office of a Councillor.

The CEO will provide you with the prescribed form, along with guidance as to how to complete each section.

A summary of the form must be posted on council's website to ensure there is always public access to this information.

The LGI will be undertaking an audit to ensure all councillors have complied with the Act – there are offences for not completing the return in time and for providing false or incomplete information.

Mandatory Councillor Code of Conduct

A new mandatory Councillor Code of Conduct (Model Code) now applies to all councils and councillors across the State.

The conduct standards that apply to all councillors are divided into the following sections:

Standard 1- Performing the Role of a Councillor

Standard 2 – Behaviours

Standard 3 – Good Governance

Standard 4 – Integrity

Standard 5 – Robust debate

When taking your oath or affirmation of office, you also undertake to comply with this Model Code.

The Model Code outlines behaviours that may constitute misconduct, serious misconduct and gross misconduct, along with how alleged breaches of the Model Code are to be dealt with.

Local Government Victoria have just released guidance material to support you in understanding the new Model Councillor Code of Conduct. Guidance on mandatory training for mayors, deputy mayors and councillors

Understanding the Councillor role

Councillors individually and collectively as the governing body, are accountable to their community for the performance of the Council.

Your role is to:

- Participate in the decision-making of the Council
- Represent the interests of the entire municipal community in decision-making (not just your ward)
- Contribute to the Council's strategic direction through the development of key strategic documents, including the council plan

When undertaking the role of a Councillor, you must:

- Consider the diversity and interests of the entire municipal community, not just your ward
- Support the role of the Council in discharging its duties
- Acknowledge and support the role of the Mayor
- Act lawfully and in accordance with the oath and affirmation of office
- Act in accordance with the new Model Councillor Code of Conduct
- Comply with Council's good governance procedures and council policies.

Source: [MAV Citizen to Councillor Guide 2024](#)

Remember, council decisions are made collectively by councillors in formal council meetings.

An individual councillor cannot commit council to any decision or action – a majority of councillors must vote to pass a council resolution.

Remember, the elected council only employs one staff member – the CEO. This means that a councillor is unable to direct a council staff member in discharging their duties, nor are councillors able to interfere in operational matters.

Council staff are employed to implement your council plan, your budget, council resolutions and a raft of legislation. They are also there to provide you

with the advice and support you require to successfully undertake your councillor role.

Recent amendments to the Local Government Act 2020 to strengthen good governance

The State Parliament passed a raft of changes to the Local Government Act 2020 earlier this year, which now take effect.

These changes include:

- Introduction of a Mandatory Councillor Code of Conduct
- Broader suite of sanctions able to be applied by an Internal Arbiter if a councillor is found to have engaged in misconduct
- Broader powers for the Chief Municipal Inspector in terms of the ability to issue infringements, provide reports to Parliament and provide advice to the Minister for Local Government.

Your induction training will cover all aspects of these new provisions to support your ongoing understanding and compliance with your legislated obligations.

Relevant oversight bodies

As councils are a public body the integrity, governance, corruption and maladministration of the organisation, and the individuals within them, including councillors, are overseen by the following integrity agencies:

Local Government Inspectorate (LGI)

The Inspectorate is the dedicated integrity agency for local government in Victoria. The Inspectorate handles complaints related to breaches of the Local Government Act 2020 and plays an integral role in monitoring governance in councils across the state.

Led by the Chief Municipal Inspector, the Inspectorate is responsive to issues which impact the sector and is focused on promoting best practice and encouraging the highest levels of accountability and transparency.

During council elections, the Inspectorate is the agency receiving, assessing and, where appropriate, investigating matters and offences provided for under the electoral provisions of the Act.

The Inspectorate can investigate any aspect of council operations. This may be done on a council-by-council basis where it is evident there are issues with good governance, a focus on a group of councils or a sector wide audit on a particular matter or aspect of the Act.

Independent Broad-based Anti-corruption Commission (IBAC)

IBAC is Victoria's independent anti-corruption agency. IBAC investigates and exposes corruption and misconduct, with priority given to serious and systemic matters.

IBAC also informs the public sector and the community about the detrimental effects of corruption and how to prevent it.

IBAC can conduct an investigation as a result of a complaint or initiate its own enquiry. Following an investigation, IBAC may make recommendations to the employer, government or Parliament.

Victorian Ombudsman

The Victorian Ombudsman is an independent officer of the Victorian Parliament who investigates the action, decisions or conduct of the public sector staff and local government in line with the Charter of Human Rights and Responsibilities Act 2006.

The Ombudsman may investigate a complaint made by the public, or the public sector, or can start its own investigation.

Victorian Auditor General's Office

The Victorian Auditor General's Office (VAGO) also play a role in ensuring public transparency and accountability around the achievement of good

governance and sound financial management by councils.

Each year, VAGO reviews every council's financial statement and they also participate in Audit and Risk Committee meetings.

VAGO also has powers to undertake audits of councils in relation to other matters. Often, they select a handful of different types of councils and undertake an in-depth audit of a matter to assist them in preparing a public report of findings.

Their audits examine:

- how effective, efficient, and economical council programs and services are
- how councils manage resources
- opportunities for councils to improve their management practices and systems
- if councils are fairly presenting their annual financial statements and performance statements
- if councils are complying with legislation and other requirements
- if there is wastage or a lack of probity in the way that public resources are being managed.

More information on these audits can be found [here](#).



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Local Government Inspectorate

Encouraging higher standards of integrity, accountability and transparency in local government

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