

(b) make a written declaration as required by section 32(3)—

the Councillor's allowance is withheld until the Councillor has completed induction training and made the written declaration.

- (2) A Councillor is entitled to receive any allowance that is withheld under subsection (1) after the Councillor—
- (a) takes or completes Councillor induction training as required by section 32(1); and
 - (b) makes a written declaration as required by section 32(3).

34 Qualification to be a Councillor

- (1) A person is qualified to be a Councillor of a Council if the person—
- (a) has attained the age of 18 years; and
 - (b) is an Australian citizen or an eligible British subject referred to in section 48(1)(a) of the **Constitution Act 1975**; and
 - (c) is enrolled on the voters' roll for the Council or would be enrolled on the voters' roll for the Council on a particular day if a voters' roll were to be prepared on that particular day; and
 - (d) is not a person to whom subsection (2) applies.
- (2) A person is not qualified to be a Councillor of a Council if the person—
- (a) is a member of the Parliament of Victoria or of the Parliament of the Commonwealth of Australia or of another State or a Territory of the Commonwealth; or

- (b) is employed as a Ministerial officer, a Parliamentary adviser or an electorate officer by a member of the Parliament of Victoria or in a corresponding position (however designated) by, or for, a member of the Parliament of the Commonwealth of Australia or of another State or a Territory of the Commonwealth; or
- (c) is a Councillor of another Council constituted under this Act or a member of a corresponding body (however designated) under an Act of another State or a Territory of the Commonwealth; or
- (d) is a member of Council staff of the Council; or
- (e) is an undischarged bankrupt; or
- (f) has property that is subject to control under the law relating to bankruptcy; or
- (g) has failed to take the oath or affirmation of office of Councillor at any Council when required under this Act during the current term of office of that Council; or
- (h) has been disqualified from being a Councillor after a finding by VCAT of gross misconduct, for the period that the period of disqualification specified in the order made by VCAT is in force; or
- (i) has been subject to 2 or more findings of serious misconduct by a separate Councillor Conduct Panel under section 167 in the preceding 8 years and the period during which the person can apply under section 170 to VCAT for a review of those findings has expired, for the period of 4 years following the second finding of

- serious misconduct during which the disqualification is in force; or
- (j) has been convicted of the offence of failing to lodge an election campaign donation return in relation to the current term of the Council; or
 - (k) has been convicted of an offence against this Act in the preceding 8 years for which the maximum penalty is at least 120 penalty units or a period of imprisonment of at least 12 months; or
 - (l) has been convicted of an offence in the preceding 8 years, committed when the person was of or over 18 years of age, which is punishable upon first conviction for a term of imprisonment of 2 years or more under the law of Victoria, or the law of any other State, or a Territory of the Commonwealth, or the law of the Commonwealth; or
 - (m) is disqualified from managing corporations under Part 2D.6 of the Corporations Act.
- (3) If a Councillor becomes aware that they have ceased to be qualified to be a Councillor of a Council, the Councillor must immediately give notice in writing to the Chief Executive Officer of the Council that they have ceased to be qualified to be a Councillor of the Council.

35 Councillor ceasing to hold office

- (1) A Councillor ceases to hold the office of Councillor and the office of the Councillor becomes vacant if the Councillor—
 - (a) ceases to be qualified to be a Councillor; or
 - (b) dies; or
 - (c) resigns in writing delivered to the Chief Executive Officer; or