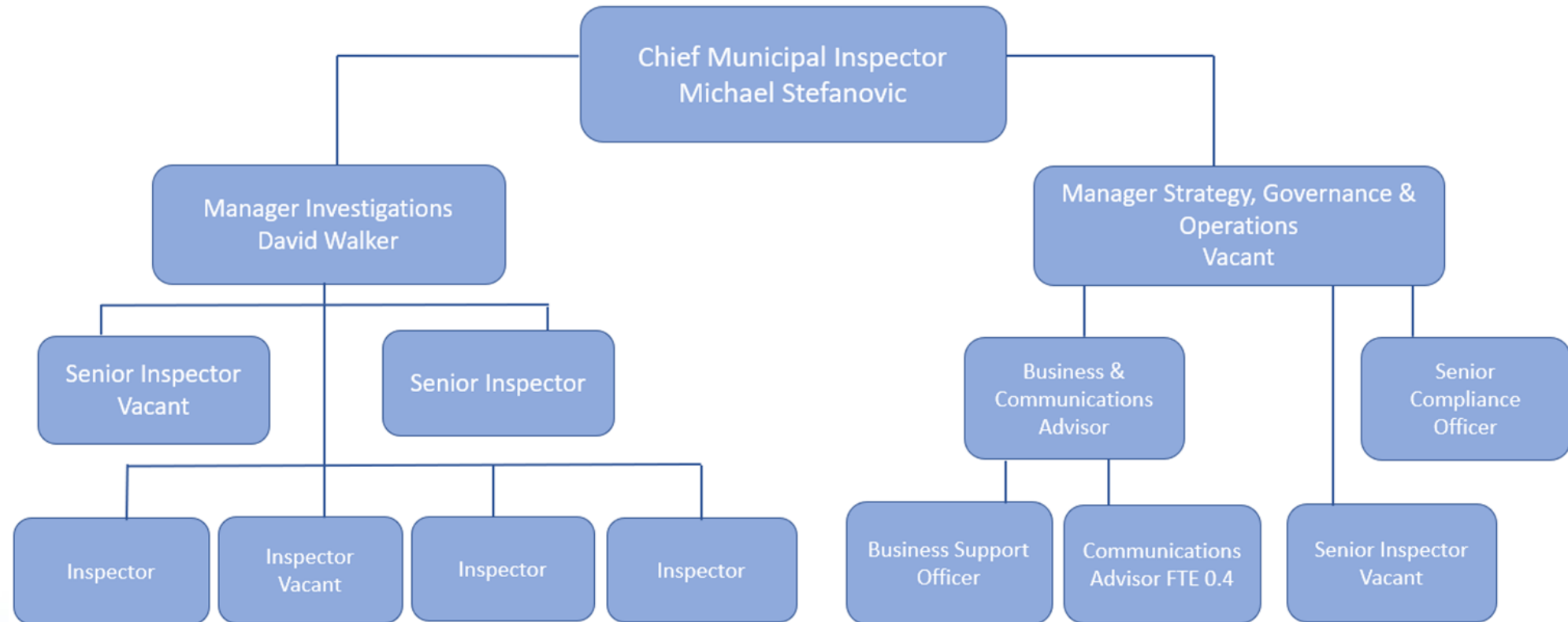


# Promoting integrity in local government



# Overview of the Local Government Inspectorate



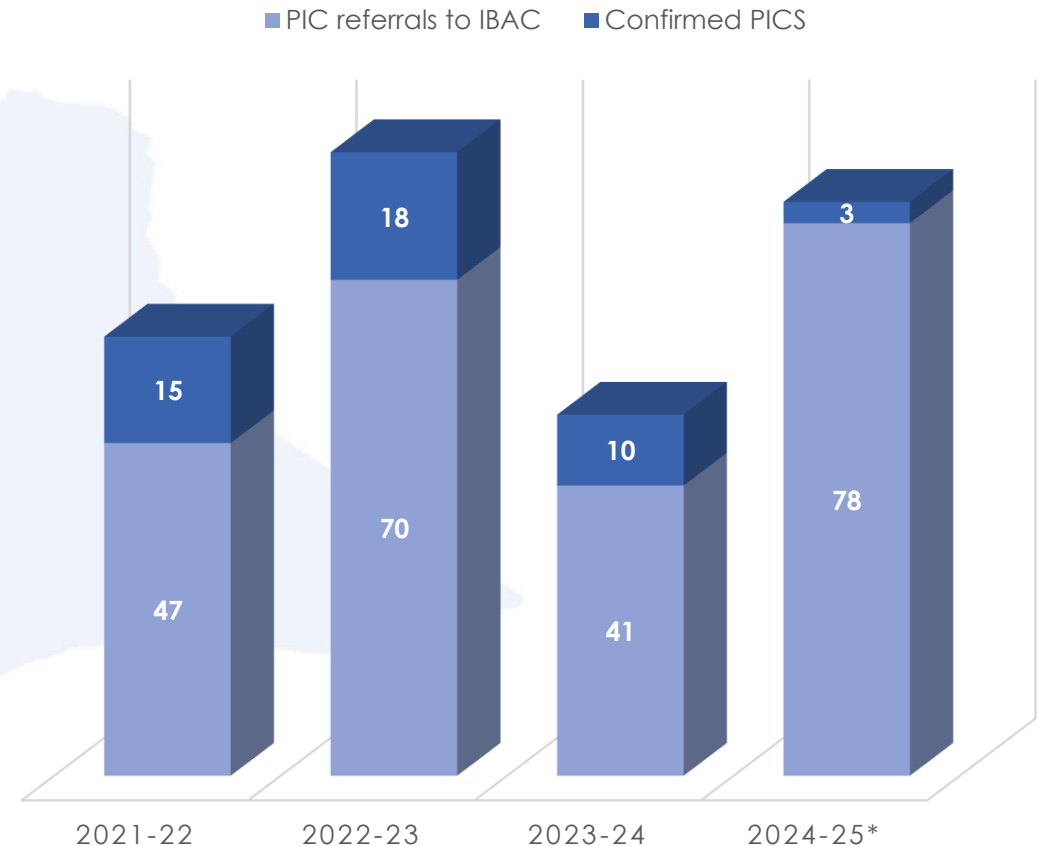
# What do we do?

- **Investigate and prosecute** any offences under the Local Government Act 2020 (Act)
- **Examine** any aspect of council operations
- Receive and investigate any **public interest disclosure**, referred from IBAC
- Make applications for a Councillor Conduct Panel for alleged **serious misconduct** or VCAT for alleged **gross misconduct**.

The Chief Municipal Inspector (CMI) has the powers necessary to perform their functions under Part 7 Division 4 of the Act.

Recent examples of the use of our powers include recommendations to the Minister for Local Government to appoint Municipal Monitor's at Moonee Valley, Colac Otway and Buloke, following investigations into a range of governance and integrity matters. **Monitors were appointed in each case.**

## Public Interest Complaint Data



# Key offences under the Local Government Act 2020

---

- **Misuse of position** by a councillor (section 123)
- **Conflict of interest** by a councillor, senior council employee or person providing advice to council (ss 127-131)
- **Directing council staff** by a councillor (s 124)
- **Disclosure of confidential information** (s 125)
- All council **election offences** including nomination of someone not qualified to be a council election candidate (ss 286-305)

# 2020 -2024 Term Overview

---

- Most complaints to the Local Government Inspectorate for any term to date
- 12 councils had a monitor/monitors appointed by the Minister for Local Government.
- Four councils had monitors appointed twice
- Commission of enquiry at Moira – Council dismissed for six years
- One council (Strathbogie) suspended
- 64 resignations during the term
- Significant CEO turnover
- Conduct issues across the sector

# 2020 -2024 Term Overview (Continued)

---

The conduct of some councillors through the last term caused many things to occur:

- Change of legislation
- Ability for CMI to report directly to Minister
- Code of conduct standardised instead of 79 different versions
- Mandatory training for councillors, Mayors and Deputy Mayors, including on-going training
- Ability for LGI to issue infringement notices

# Significant legislative changes in 2024

---

The conduct of some councillors through the last term led to:

- **Increase in the types of penalties** open to the Minister (individual councillor suspension)
- A **model councillor code of conduct**
- **Mandatory training** for councillors, Mayors and Deputy Mayors, including on-going annual professional development
- CMI being able to **report issues directly to the Local Government Minister** and **table reports to Parliament**

# Infringement Notices – Key examples/comparisons

---

## *S 133 (1) - Lodging of an initial personal interests return – LATE/NOT SUBMITTED/FALSE OR INCOMPLETE*

**Court** – 60 Penalty units (\$11,855.40)

**Infringement Notice Penalty** - 3 Penalty Units – (\$592.77)

## *S134 (1) - Lodging of a biannual personal interests return – LATE/NOT SUBMITTED /FALSE OR INCOMPLETE*

**Court** – 60 Penalty units (\$11,855.40)

**Infringement Notice Penalty** - 3 Penalty Units – (\$592.77)

## *S306 (1) – Election Campaign Donation Return by election candidate – NOT SUBMITTED/FALSE MISLEADING INFORMATION*

**Court** – 60 Penalty units (\$11,855.40)

**Infringement Notice Penalty** - 6 Penalty Units – (\$1185.54)



# Complaints and investigation outcomes 2020 - 2024

Metric	2020-21	2021-22	2022-23	2023-24	2024-25 as at 28 February
<b>Complaints lodged</b>	1164 (848 election complaints)	363	477	542	1732 (1077 election complaints to date)
<b>Complaints referred to IBAC - PICs</b>	No data available	47	70	41	78
<b>PICs referred by IBAC for investigation</b>	No data available	15	18	10	3 (19 awaiting IBAC assessment)
<b>Investigations undertaken</b>	51 (excluding election matters)	203	314	512	1221
<b>Prosecutions &amp; Councillor Conduct Panel findings</b>	-	2 convictions Personal interest return breach Nominating when ineligible	1 conviction misuse of position 1 finding serious misconduct failure to declare conflict of interest	-	-
<b>Official warnings</b>	164	132	2 warnings 2 letters of caution 10 recommendations to council	7 recommendations to council 15 warnings	213 (election offenses & failure to declare conflicts of interest)

# Councillor Code of Conduct and other methods of resolution

---

Matters we can't investigate but can be dealt with by other methods:

- Councillors using **rude or disrespectful language** towards constituents or council staff
- Councillors **behaving unprofessionally** during council meetings
- Councillors inappropriately **involving themselves in operational matters**, particularly by repeatedly contacting council staff

Most behaviours can be dealt with by internal dispute resolution, reporting issues to CEO or ensuring other internal policies and protocols are developed and applied (eg staff interaction policy).

Recent or ongoing  
issues

Council  
operational  
matters

## Role of councillors (S.28):

- contribute to **strategic** direction
- participate in **decision making** of the council
- advocate for and **represent** the interests of your community

## Councillors should not get involved in:

- **Operational matters**: administrative in nature; includes day-to-day management of staff and resources, problem solving and provision of services
- **Requesting information from staff** unless you require it to make an informed decision, and it is available to all councillors

Recent or ongoing  
issues

## Conflict of interest

# What is it and why does it matter?

- **S.127 General conflict of interest:** if an impartial, fair-minded person would consider that your private interests could result in you acting contrary to your public duty
- **S.128 Material conflict of interest:** if you or someone you have a relationship with has the potential to gain a benefit or suffer a loss

### Considerations...

- You **must always consider** your own personal circumstances, and those of the people closest to you, in undertaking your day-to-day councillor duties particularly if those interests **will be the subject of decision making within the council chamber.**
- It is **your responsibility** to understand the conflict-of-interest provisions and exemptions and determining whether you have a conflict of interest in a matter. Seek guidance if you are unsure.
- If you are unsure, talk to relevant council staff or seek your own legal advice but in the end **only you can determine whether you have a general or material conflict** that must be declared.
- Should you believe you have any form of conflict of interest in a matter you **must** disclose it as per your Governance Rules.
- Remember you **must** exclude yourself from any action, discussion or vote on the matter at council meetings and/or councillor briefing sessions.
- Section 130 of the Act outlines that should you **fail to disclose** known conflict of interest you may **be convicted and issued a fine of up to 120 penalty units** (\$23,710.80), or an application may be made by the CMI for a **Councillor Conduct Panel** to be formed to hear allegations of serious misconduct.

# Conflict of Interest

## Recent examples that may / does constitute a breach if not disclosed

(Note - Each case must be treated individually)

- A councillor fails to declare and excuse themselves from the process where they and their children are beneficiaries of a Trust which submits a planning permit application to council
- A councillor fails to declare and remove themselves from the evaluation process where they are a board member of a for-profit sporting club which has applied for a council community grant
- A councillor fails to declare and remove themselves from the evaluation process where they work as a consultant for an arts organisation which has applied for a council grant
- A councillor fails to declare and remove themselves from a meeting where council makes a decision on a planning permit where their mother-in-law is an objector and lives in the street of the site subject to the application
- A councillor declares but remains during the decision-making process for a proposal to change the parking arrangements in their street
- A councillor's best friend applies for a community grant and does not leave the meeting when the grants are considered and approved by council despite declaring a conflict.

# Conflict of Interest

## Recent examples that may NOT constitute a breach

(Note - Each case will be treated individually)

- A councillor's daughter is an assistant coach (and not an office holder/decision maker) at a not-for-profit community soccer club and the councillor remained to consider an application for a council community grant by the club
- A councillor's husband is the editor of a local newspaper which from time-to-time reports on council activities
- A councillor is a member of a charity aimed at minimising harm from gambling and voted on an application by a hotel to extend liquor license hours which affect the hours the gaming machines can be used
- A councillor is a member (not a board member/decision maker) of a local sporting club and took part in a decision to redevelop the sporting ground (the councillor's interests do not exceed others as a substantial proportion of local residents belong to sporting clubs)
- A councillor works in alcohol research for a university and voted on the council's strategic plan, which includes an objective to reduce harm associated with alcohol (the Council Plan is very general so the conflict is considered remote or insignificant).

Recent or ongoing  
issues

## Releasing Confidential Information

# What is it and why does it matter?

## S.125 Confidential information

- (1) Unless subsection (2) or (3) applies, a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.
- (2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.
- (3) A person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—
  - (a) for the purposes of any legal proceedings arising out of this Act;
  - (b) to a court or tribunal in the course of legal proceedings;
  - (c) pursuant to an order of a court or tribunal;
  - (d) in the course of an internal arbitration and for the purposes of the internal arbitration process;
  - (e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
  - (f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
  - (g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;



# Confidential Information

- Confidential information is typically made available to councillors via council reports and briefing sessions - only **individual items or attachments may be defined as confidential, not the entire agenda**
- For information to be labelled as confidential it **must meet a definition under s 3 of the Act**
- Changes to the Act in 2020 aimed to **minimise the amount of confidential information** given that this provision was being used by councils to **avoid public scrutiny and transparency**
- Any confidential information, once meeting the tests under the Act, should be **clearly labelled to enable compliance** with the Act.

## Releasing confidential information can...

- **Jeopardise sensitive commercial and personal negotiations** being carried out by council and third parties
- **Breach the trust** of Council officers who rely on confidentiality to be maintained, which allows councillors to continue to receive sensitive information to make effective decisions
- Be **contrary to the standards** of the Model Councillor Code of Conduct
- Cause **reputational damage** to the Council
- **Breach the trust of fellow councillors** who rely on confiding in their colleagues without fearing that sensitive information will be disclosed publicly (particularly for political or personal gain)
- Lead to a conviction and a fine of up to 120 penalty units (\$23,710.80).



## What is it and why does it matter?

### **S.124 Directing a member of Council staff**

A Councillor must not intentionally direct, or seek to direct, a member of Council staff—

- (a) in the exercise of a delegated power, or the performance of a delegated duty or function, of the Council;
- (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
- (c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under this Act or any other Act; or
- (d) in relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

# Directing a member of council staff

- The rules to manage councillor/staff interactions are captured in the staff code of conduct, the mandatory councillor code of conduct and in some councils, the staff/councillor interaction policy.
- In most councils, councillors are only authorised **to deal directly with executive staff** and **do not have unfettered access** to council premises and information
- These policies and procedures help protect councillors from straying into operational matters
- Each year we receive numerous complaints about councillors directing staff through various means.

## Directing council staff can...

- **Undermine the role of the CEO**, who is responsible for managing Council staff
- **Demonstrate a lack of respect and understanding** of the operational role that council officers play, and that of your role as a councillor (strategy and advocacy)
- **Undermine impartiality and due process** if a councillor is influencing and intimidating a council officer(s)
- **Create a power imbalance** between Councillors and Council officers, who are made to feel subservient and immediately responsive to Councillor directives to avoid jeopardising their role within the council
- Be the first step towards **corruption**
- Lead to a conviction and a fine of up to 120 penalty units (\$23,710.80).

Recent or ongoing  
issues

Personal interests  
returns



Issues we see include:

- **Late, incomplete** or non-submitted returns
- **Incorrect, inconsistent or incomplete disclosures**, such as property not disclosed in one return, despite it being included in previous returns
- **Summary** of returns not on council's website
- Infringement Notices can now be issued

# Personal Interest Returns

- You must submit a personal interests return **within 30 days after taking the oath/affirmation**, and **biannually** (March/September) thereafter
- Personal interest returns are an integral part in the overall **integrity** and **transparency** of council
- You must disclose details about such things as your employment, business partnerships, organisations for which you are a decision maker and land ownings
- Once you have submitted your return, the CEO must publish a **summary of your return** on council's website
- The LGI has **powers to enforce** the provisions around the submission of interests returns and we may request council to provide us with all submitted returns for auditing
- An audit carried out in 2021, identified breaches of the Act including,
  - Late or incomplete** returns, or a complete **failure to submit** a return
  - Incorrect, inconsistent or incomplete disclosures**
- Regularly monitoring your personal interests helps you identify when you may have a conflict of interest in a matter that is coming before council.

## Penalties

- A failure to meet personal interest return provisions may lead to **a conviction and fine of up to 60 penalty units** (\$ 11,855.40)
- We now have the ability to **issue infringement notices** where breaches occur, leading to financial penalties being handed out in real time (3 penalty units).

# What we can't investigate or receive complaints about

---

We generally **do not** investigate:

- planning and building permits
- council services
- performance of council staff, unless related to offences under the Act
- council decisions, unless there is a possible conflict of interest
- council fines
- rates charges, barking dogs, noise complaints

More details: [Other agencies to help with your complaint](#)

# Who are the Victorian Integrity Agencies, what do they do and what can't they investigate...

## Local Government Inspectorate

The Inspectorate investigates matters related to council operations including criminal offences involving councillors, senior council officers or any person subject to the conflict of interest provisions of the *Local Government Act 2020*.

[www.lgi.vic.gov.au](http://www.lgi.vic.gov.au)

## ombudsman VICTORIAN

The Ombudsman investigates the actions, decisions or conduct of public sector organisations and their staff. It also looks at whether a public sector organisation has acted in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

[www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)



IBAC is responsible for exposing and preventing corrupt conduct in the public sector. It deals with serious corruption and misconduct in: State government departments and agencies, Victoria Police, members of parliament, judges and magistrates, and Council employees and councillors.

[www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

### What can't we deal with?

The Inspectorate does not investigate complaints relating to councils' decisions or democratic processes, unless there is a breach of the Act. It does not look at services issues such as bins not being collected, rate charges being too high or parking infringements.

The Ombudsman will generally not become involved in a complaint when:

- you have not yet attempted to resolve it with the organisation directly
- the matter may be decided by a court or tribunal
- the complaint is more than 12 months old.

IBAC does not handle complaints about:

- issues from other States or Territories or Federal matters
- matters in the private sector, unless it relates to a Victorian public sector employee
- rudeness or poor customer service.

### How to make a complaint

Complaints to the Inspectorate can be made by email, phone or secure online form:  
[www.lgi.vic.gov.au/make-complaint](http://www.lgi.vic.gov.au/make-complaint)

1800 469 359

Complaints to the Ombudsman can be made online, by post, by phone or in person:  
[www.ombudsman.vic.gov.au/complaints](http://www.ombudsman.vic.gov.au/complaints)

(03) 9613 6222  
1800 806 314 (regional callers only)

Complaints to IBAC can be made online through a secure online complaint form:  
[www.ibac.vic.gov.au/report](http://www.ibac.vic.gov.au/report)

1300 735 135



# Local Government Victoria

Local Government Victoria provides policy advice, oversees legislation and works with councils to support responsive and accountable local government services.

## **Council Finance and performance**

LGV develops and implements evidence-based policy and projects that strengthen councils' capacity to meet the needs of Victorian communities.

LGV works with councils to collect and report information about council performance.

LGV also publishes best practice guidance on council [planning and reporting](#), [procurement](#) and [local laws](#) and provides specialist [financial and accounting support](#) to rural councils to explore opportunities for shared services and collaborative procurement.

## **Emergency management**

LGV works with councils to ensure that bushfire and emergency management approaches meet government and community requirements. They do this through investing in community infrastructure and services, overseeing projects and assisting communities in preparing for, and recovering from emergencies.

## **Council governance and integrity**

LGV administers the [councillor conduct framework](#) which provides a clear hierarchy for the management of councillor conduct issues.

LGV provides [good governance guidance](#) and support to councils in delivering good governance to their communities.

## **Partnering with councils**

LGV partners with councils and local government peak bodies to deliver a range of programs and plans, including:

- Resources and practical guidance to boost [gender equity in councils](#)
- The [Victorian Aboriginal and Local Government Strategy](#) to help councils engage with Aboriginal communities and promote reconciliation

Additional information can be found at : [Local Government Victoria](#)

# Governance examinations

Our aim is to improve compliance across the sector with the Local Government Act.

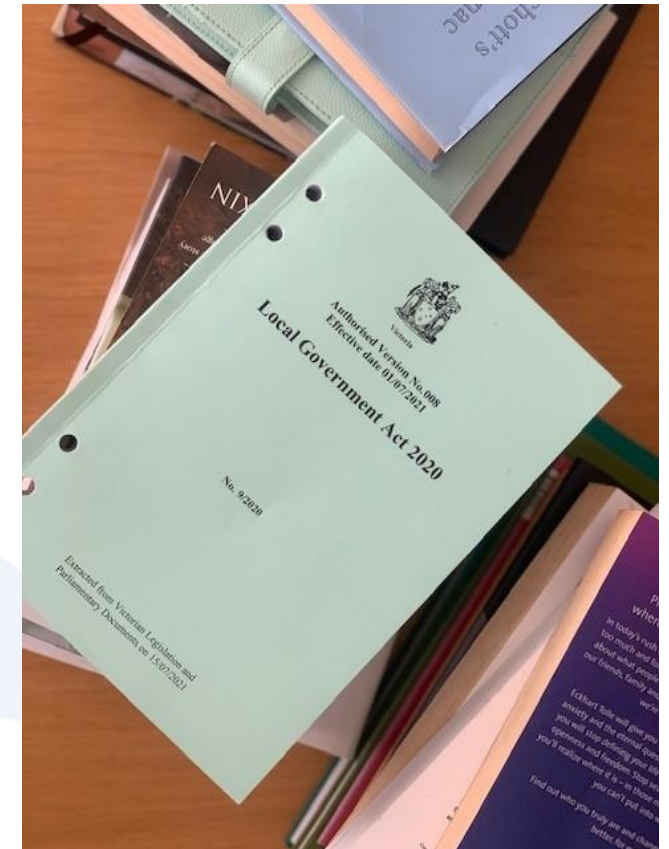
To do this, we examine:

- **individual or groups of councils** – council visits to discuss governance practices, reviewing policies / procedures and general compliance with the Act (following a visit, the we report back to the council with recommendations to improve governance standards)
- a **topic or theme across all councils** – we request identical data/information from councils to measure compliance across the sector (e.g. councillor oath/affirmation of office)
- Upcoming audits include reviewing **Election Campaign Donation Returns** and **councillor initial personal interests returns**.

## Councillor Conduct Framework Examination

Informed by over 300 survey responses from councillors, councillor conduct officers and CEOs and the input of an External Stakeholder Working Group.

The report will be released in late 2025 offering three alternate models for reform – **minor, moderate and major change**.





# Resources



## Gift Policy

The Act requires councils to adopt a gift policy for councillors which includes procedures for maintaining a gift register.

-  **Loddon Shire Councillor Gift Policy**  
PDF | 894.19 KB
-  **Cardinia Shire Councillor Gift Policy**  
PDF | 170.86 KB
-  **Manningham Councillor Gift Policy**  
PDF | 568.83 KB
-  **Mitchell Shire Councillor Gift Policy**  
DOCX | 1.66 MB

- Our website – [www.lgi.vic.gov.au](http://www.lgi.vic.gov.au)
- Sample Council Policies
- Fact Sheets
- Newsletters

## Additional resources for councillors

- **Good Governance** - What is it and why is important?
- What can you do to achieve good governance?
- What happens when standards of conduct decline?
- What does a high performing council look like?
- Legislative breach – Councillor (Process)

# Good Governance - What is it and why is important?

## Good governance – What is it?

- The council's ability to carry out its responsibilities in a **legal, open and effective manner** through the development and implementation of suitable policies, processes and importantly through sound, defensible decision-making practices
- The Act prescribes a collection of policies, processes and practices that enable the council to carry out its duties under the *Local Government Act*.

## Pillars of good governance

Section 9 of the Act identifies the **9-overarching governance and supporting principles** that Council must give effect to, including:

- Making decisions in accordance with **relevant laws and strategies** of other levels of government
- Achieving the **best outcomes** for the **entire** municipal community
- **Deliberative community engagement** to inform council's strategic direction
- Ongoing **financial viability**
- **Transparency** around decision making and council information.

Many problems arise from not **understanding or respecting the distinct roles and responsibilities** of the Mayor, Deputy Mayor, Councillors, Council, the CEO and Council staff.

# Good Governance - What is it and why is important?

---

## Why is it important?

- Good governance allows your council **to drive high standards** and **achieve its objectives** in a lawful way
- It assists to maintain the **legal and ethical trust** of the community and allows the council to manage its appetite for risk
- It promotes **transparency** and helps drive **improvement and innovation**
- Each of these are non-negotiables as part of its responsibility managing public funds.

## Who is responsible for it?

- It is the responsibility **of all staff and councillors** to mitigate the risk of legislative breaches or failure to follow internal policies when carrying out operational or decision-making requirements
- **Council** adopts many the mandatory policies and strategies prescribed by the Act, set the strategic direction of the council through the Council Plan, abide by the Mandatory Councillor Code of Conduct and oversee the mitigation of strategic risks
- **Council officers** develop the good governance framework and supporting strategies, policies and processes and oversee their implementation – they also abide by the Staff Code of Conduct
- **Council's Audit and Risk Committee** monitors the compliance of your policies with legislation and the overarching governance principles of the Act, monitors your financial and performance reporting and provides advice on risk management and fraud prevention.

# What can you do to achieve good governance?

---

## Your roles and responsibilities as a councillor

- Contribute to the **strategic direction of Council through the Council Plan**, **consulting with the community** to inform the development and review of key strategic documents, **participating in decision making** through council meetings and **advocating** for your entire municipal community
- Ensuring you carry out these requirements to the best of your ability and in the **best interests of the whole municipal community, not just your ward**.

## The importance in investing in relationship building

- The best outcomes for your municipal community are achieved when councillors work and interact in a **collegiate working environment**
- Taking the time to **get to know** your fellow councillors through the induction process and investing time, on an ongoing basis, to **build respectful relationships** is vital to your success
- Building sound and respectful working relationships **with Council's Executive Leadership Team and officers** is also essential
- Learning how to **express differing opinions** and how to debate in the council chamber **in a constructive and respectful way** are essential to your individual and collective success during this term
- Recent amendments to the Act to introduce mandatory mayoral and councillor training that will assist in meeting these requirements.

# What can you do to achieve good governance?

---

## Decision-making

- Councils **delegate most of its decision-making powers to the CEO and officers**, some of which are appointed to particular statutory positions under legislation
- As one councillor in a group of 11, **you have no individual decision-making capability** - you only have decision making power as a collective when you are in the council chamber passing council resolutions
- This is why creating **harmonious working relationships is so important** - successful outcomes are typically achieved by those that work together, irrespective of political beliefs or personal agendas
- As a public entity, every decision must be **transparent** and **defensible** and in line with your policies, processes and legislation
- When involved in decision making in the council chamber, it is important that you respect and adhere to the **standards of conduct**
- This means not acting in **a demeaning, abusive, obscene or threatening manner**, not engaging in **discrimination** or **vilification**, as well as adhering to **health and safety requirements** in the workplace.



# Managing interactions with developers, applicants for planning permits and planning scheme amendments (rezonings)

## IBAC's Operation Sandon report

- IBAC's Operation Sandon Special Report 2024 identified the ongoing need for interactions between Councillors and proponents of current or future planning permit or planning scheme amendment applications to be **proactively managed and declared**
- The public hearings held by IBAC examined the transparency and integrity of planning and property development decision making, including:
  - donations or in-kind assistance to election candidates
  - donations, gifts, pro bono services or other hospitality
  - the use of professional lobbyists or planning consultants
- The community is often **concerned about the potential influence of developers** especially when there are large sums of money at stake - this is potentially an issue with councils on Melbourne's outer fringe experiencing population growth.

## How can Council best manage developer interactions?

- Councillors should **avoid making comment on an application** prior to a decision being made and before receiving all of the information you require to make an informed, impartial decision
- Councillors should **avoid meeting with developers 1:1** without a senior and suitably qualified officer present to avoid risks of being bias or interference with the planning process
- Councils should also **introduce a policy** around these interactions to provide Councillors, Officers, applicants and the community with clarity and certainty around how impartiality is to be preserved throughout the application and decision-making process
- Councils should **keep a public register of the interactions** between councillors and applicants to ensure any meetings are open and transparent.

# What happens when standards of conduct decline?

In the 2020-2024 council term, there was an explosion of issues across the sector as a result of poor councillor behaviour:

- **12 Municipal Monitors** appointed (Some having to return for a second time)
- **2** Councillor groups removed
- **Over 60 councillors resign** for various reasons, including poor, intimidating behaviour towards them
- Our engagement for the Councillor Conduct Framework Review identified that a significant number of councils had experienced poor councillor behaviour between each other, towards council staff, and in some instances members of the public
- While some of these incidents may be at the 'lower end' of the poor behavioural scale, achieving resolution for such disputes was drawn out, costly and traumatic for those involved. **The impacts on a council's ability to achieve good governance were tangible.**

## Root causes

- Many poor behaviours started in the council chamber, where councillors did not respect the conduct standards, and where they misunderstood the difference between robust debate and personal attacks and poor behaviour – **a failure to debate the issue and not attack the person**
- Similar behaviours occurred in **councillor briefing sessions**, through poor language, a threatening demeanour or volatile behaviour – we recommend that all briefing sessions and delegated committee meetings be recorded
- A break down in relationships between councillors has led to **significant financial costs to ratepayers** and **lasting health and wellbeing impacts** for councillors and staff.

The Mandatory Councillor Code of Conduct is not aimed at curtailing robust political debate - it is imperative that behavioural standards are always respected.



# What does a high performing council look like?

## How can you as an individual councillor, and your council group, achieve success during your time on council?

- ✓ Invest the time to **get to know each other** and learn how each of you best operate to mitigate the risk of ongoing behavioural issues because of a lack of trust
- ✓ **Challenge** your fellow councillors through **respectful and courteous debating**
- ✓ **Foster a respectful relationship with the CEO**, one that promotes mutual trust between all parties, that facilitates a 'no surprises' approach
- ✓ Completely familiarise yourself with the **Model Councillor Code of Conduct**
- ✓ If you witness a fellow councillor behaving in a manner that is contrary to the Code of Conduct, **call out poor behaviour**
- ✓ Ensure you fully understand your **legislative requirements**
- ✓ Ask questions of the CEO or governance staff if you are unsure of any of your obligations
- ✓ Ensure you fully **understand the difference** between your responsibility to contribute to the **strategic direction** of the council, and being a **decision maker**, with day-to-day **operational matters** that are wholly the responsibility of the CEO and council staff
- ✓ Ensure you are **compliant with councillor/staff interaction policies and procedures**
- ✓ Always remember that, as **an individual councillor, you have no individual decision-making power**.

### And remember,

- ✓ Doing the **'right thing'** is a non-negotiable.

# Legislative breach – Councillor (Process)

---

## Complaint made against you for a potential breach of the Act

- If a fellow councillor, staff member or a member of the public perceives you have breached your legislative responsibilities, through our website, they can make an online complaint against you.

## The process

- The complainant will be required to provide us with evidence that a breach has occurred upon lodging the complaint
- Once the complaint is received it goes through a triage process where a further preliminary assessment takes place
- Quite often we receive complaints that are not within our remit, but where there is sufficient information to indicate a potential breach of the Act it is forwarded to an investigator to commence a formal investigation
- It is at this stage that you will be contacted to let you know a complaint has been received about you, you may be requested to provide information, and you will be advised of the next steps
- The nature and complexity of the complaint determines how long the end-to-end process will take
- You will be kept up to date as to the progress of the investigation along the way, as will the complainant.

# Thank you

Local Government Inspectorate

[www.lgi.vic.gov.au](http://www.lgi.vic.gov.au)

[inspectorate@lgi.vic.gov.au](mailto:inspectorate@lgi.vic.gov.au)

1800 469 359