

Community Asset Committees - Audit of Annual Return and Required Documentation 2023/2024

Committee name	Facility type	Compliant?	AGM Minutes Received? Y / N	Minutes of all Meetings received? Y / N	Annual Return received? Y / N	Bank Account Statements received? Y / N	1. Statement of Income and Expenditure	2. Monies Held	3. Estimated value of Council / Committee owned equipment	4. Summary of Non - Council works completed at facility in previous year	5. Proposed Fees and charges for next year	6. Committee Contact Details:
							Annual Return details - is each section complete and is there sufficient detail?					
Barfold Hall	Hall											
Baringhup Community Association	Hall	YES	Y	Y	DOC/24/53565	Y	Y	\$31,301.80	Y	Y	Y	Y
Bill Woodfull Recreation Reserve	Reserve		DOC/25/9503	Y	DOC/25/9503	Y		\$14,040.02				
Camp Reserve	Reserve	YES	DOC/25/6373	Y	DOC/25/7954	Y	Y	\$38,585.49	Y	Y	Y	Y
Campbells Creek Community Centre	Hall	YES	DOC/25/11275	Y	Y	Y	Y	\$69,023.40	Y	Y	Y	Y
Campbells Creek Recreation Reserve	Reserve	YES	DOC/25/6644	Y	DOC/25/6644	Y	Y	\$39,587.00	Y	Y	Y	Y
Castlemaine War Memorial Stadium	Reserve	YES	DOC/25/6458	Y	DOC/25/6458	Y	Y	\$9,262.65	Y	Y	Y	Y
Elphinstone Facilities	Hall	YES	DOC/24/40670	Y	Y	Y	Y	\$12,921.93	Y	Y	Y	Y
Guildford Public Hall	Hall	YES	DOC/24/51305	Y	Y	Y	Y	\$34,745.78	Y	Y	Y	Y
Guildford Recreation Reserve	Reserve											
John Powell Reserve	Reserve	YES	DOC/24/50449	Y	DOC/24/50449	Y	Y	\$5,303.38	Y	Y	Y	Y
Maldon Community Centre	Hall	YES	DOC/24/51275	Y	DOC/24/51282	Y	Y	\$28,314.96	Y	Y	Y	Y
Metcalfe Hall	Hall	YES	Y	Y	DOC/24/52713	Y	Y	\$13,939.83	Y	Y	Y	Y
Muckleford Community Centre	Hall	YES	DOC/24/46382	Y	DOC/25/5316	Y	Y	\$11,031.08	Y	Y	Y	Y
Newstead Community Centre	Hall	YES	Y	DOC/24/55103	DOC/24/51035	Y	Y	\$14,194.22	Y	Y	Y	Y
Sutton Grange Hall	Hall	YES	Y	Y	DOC/24/52223	Y	Y	\$16,038.91	Y	Y	Y	Y
Taradale Hall	Hall	YES	Y	DOC/24/50442	DOC/24/49638	Y	Y	\$16,077.24	Y	Y	Y	Y
Taradale Recreation Reserve	Reserve	YES	Y	Y	DOC/24/50017	Y	Y	\$6,448.34	Y	Y	Y	Y
Wattle Flat Reserve	Reserve	YES	Y	Y	DOC/24/43064	Y	Y	\$4,662.20	Y	Y	Y	Y
Wesley Hill Facility	Reserve	YES	Y	Y	DOC/24/52247	Y	Y	\$41,891.27	Y	Y	Y	Y

Councillor Internal Resolution Procedure



Document Status:		TRIM reference:	DOC/25/2310
Procedure Owner (position):	Manager Governance and Risk		
Approved by:	Council		
Date approved:	Click here to enter a date.		
Version Number:	1		
Review Date:	6/05/2025 Every 4 years or upon significant change to the Local Government Act 2020 or Model Councillor Code of Conduct.		
Next Review Date	17/06/2029		
Date rescinded:	Click here to enter a date. OR <input checked="" type="checkbox"/> Not applicable		
Related legislation:	<ul style="list-style-type: none"> • Local Government Act 2020 (Vic) • Local Government Amendment (Governance and Integrity) Act 2024 (Vic) • Local Government (Governance and Integrity) Regulations 2020 (Vic) • Local Government (Governance and Integrity) Amendment Regulations 2024 (Vic) • Model Councillor Code of Conduct 2024 (Vic) • Vexatious Proceedings Act 2014 (Vic) 		
Related strategic documents, policies, or procedures:	<ul style="list-style-type: none"> • Council Expenses Policy • Councillor Conduct Framework • Councillor Conflict of Interest Declaration Form • Discrimination, Bullying and Harassment Policy • Equal Opportunity and Anti-Discrimination Policy • Fraud and Corruption Prevention Policy • Gifts Policy • Guidance on the Model Councillor Code of Conduct • Personal Interests Return Form • Prevention of Sexual Harassment Policy • Public Transparency Policy • Risk Management Policy 		

Date	Version Number	Details of Version	Modified by
06/05/2025	1	Inaugural Procedure	Manager Governance and Risk

Councillor Internal Resolution Procedure

1. Purpose

This Councillor Internal Resolution Procedure (Procedure) is adopted under and in accordance with section 140 of the *Local Government Act 2020* (the Act) and regulation 12A of the *Local Government (Governance and Integrity) Regulations 2020*.

Disputes between Councillors may arise in a variety of circumstances. This Procedure is to apply to disputes in which one or more Councillors (the Complainant) alleges that another Councillor or Councillors (the Respondent) has breached the Model Councillor Code of Conduct.

This Procedure will be observed when dealing with alleged breaches of the Model Councillor Code of Conduct.

2. Internal Resolution Procedure

This Procedure provides all parties with support and encouragement to promptly resolve a dispute in a manner that enables the Councillors to move forward and maintain effective working relationships. It sets out the central role of the Mayor in attempting to resolve disputes, and provides guidance on how enforcement of the Model Councillor Code of Conduct is to take place.

This Procedure is designed to minimise cost and disruption of disputes to Council and individual Councillors and, where possible, avoid disputes escalating and becoming the subject of an internal arbitration¹.

The stages of this Procedure must be completed within 80 days of the date of the alleged breach of the Model Councillor Code of Conduct, unless extenuating circumstances arise. This will allow an application for misconduct to be made to the Principal Councillor Conduct Registrar (PCCR) within the three-month limitation period if an attempt at internal resolution is unsuccessful.

An overview of the Procedure (Attachment 3) can be viewed in the form of a flowchart.

It is acknowledged that this Procedure may not be suitable for resolution of all disputes between Councillors, as detailed below.

Throughout this Procedure, the terms 'Complainant' and 'Respondent' are used to include the singular and plural, in recognition that a Complainant or Respondent may be a single individual or two or more people.

¹ "Internal arbitration" refers to the process provided under Division 5 of Part 6 of the Act in which an arbiter is appointed to a council by the Principal Councillor Conduct Registrar (PCCR) to hear an allegation of misconduct by a Councillor against another Councillor. The arbiter appointed to the council to conduct an internal arbitration process is selected by the PCCR from a panel list established by the Secretary of the Department of Government Services under section 142 of the Act. (Source: Local Government Victoria, Fact Sheet: *Internal Arbitration Process*, version 1.0, November 2024).

3. Circumstances in which the Councillor Internal Resolution Procedure does not apply

The following disputes are not covered by this Procedure:

- a. differences between Councillors in relation to policy or decision making, which are appropriately resolved through discussion and voting in Council meetings
- b. complaints made against a Councillor or Councillors by a member or members of Council staff, or by any other external person(s), which are referred to the Chief Executive Officer (CEO) and/or Mayor
- c. allegations of bullying or sexual harassment, which are forms of serious misconduct and are heard by a Councillor Conduct Panel
- d. disclosures made about a Councillor under the *Public Interest Disclosures Act 2012*, which can only be made to the Independent Broad-based Anti-corruption Commission
- e. allegations of criminal misconduct, which should be immediately referred to Victoria Police or the relevant integrity authority.

4. First Stage of Councillor Internal Resolution Procedure - Discussion

The Complainant is encouraged to raise their issue directly with the Respondent in a respectful and courteous manner, either in person or in writing, where they feel comfortable to do so. Councillors may seek advice from the Mayor regarding how to implement this first stage of internal resolution.

Councillors are encouraged to recognise that:

- a. certain behaviours and communications may be perceived by others to be causing issues or offence that may not have been intended
- b. it can provide useful insight to reflect on their own behaviour or motivation and possible contribution to the dispute, whether intended or not, and
- c. dealing with the dispute early is more likely to avoid the issue escalating and resolve it before it threatens the effective operation of Council.

It is useful to frame any issue from the Councillor's perspective (e.g., "I felt disrespected when you said / did ..."), rather than accusing another person of holding a particular position or taking a negative action deliberately. A Councillor should let the other Councillor/s know how they feel and ask for an explanation, rather than making accusations or assumptions.

5. Second Stage of Councillor Internal Resolution Procedure - Conciliation

Where a direct conversation between Councillors has not been successful in resolving the dispute, a Councillor does not feel comfortable communicating directly with another Councillor or Councillors, or a request for discussion has been refused, it will be escalated to Conciliation, the second stage of this Procedure.

Councillor Internal Resolution Procedure

5.1. Initiating conciliation

A Complainant initiating conciliation must notify the Mayor and the Respondent of the dispute by completing a Conciliation Application Form. The form (see Attachment 1 to this Procedure) must:

- a. specify the names of the Complainant and Respondent
- b. specify the provision (or provisions) of the Model Councillor Code of Conduct alleged to have been breached
- c. detail what was said or done by the Respondent to constitute a breach of the Model Councillor Code of Conduct
- d. attach any supporting information to provide examples of the behaviour/s complained of (e.g., screenshots or emails), and
- e. be dated and signed by the Complainant

On receiving the Conciliation Application Form from the Councillor Conduct Officer, the Mayor will assess the information received and confirm all requirements have been met. The Mayor will, if reasonably necessary and with the assistance of the Councillor Conduct Officer, seek legal advice to indicate that reasonable grounds exist for conciliation. Should reasonable grounds not exist, conciliation will not proceed. The Complainant will be provided with a reason, in writing, for the decision to not proceed with conciliation.

5.2. Roles and responsibilities

The role of the Mayor is to provide guidance to the parties to the dispute about the Standards of Conduct in the Model Councillor Code of Conduct and actively explore whether the dispute can be resolved by agreement between them.

The role of the Complainant and Respondent is to explain their respective positions and, in a show of goodwill, actively explore the possibility of resolving the dispute by agreement.

All Councillors are responsible for conducting themselves in a courteous and respectful manner at all times during the conciliation.

The role of the Councillor Conduct Officer is to provide the Mayor with the administrative support necessary to arrange and conduct the conciliation.

5.3. Participating in conciliation

Councillors are encouraged but not obliged to engage in conciliation. Conciliation may occur in various forms, such as meeting together in person, conducting an online meeting, holding separate meetings with the parties by alternative means as agreed to by all parties.

A Respondent declining to participate in the conciliation must advise the Complainant and the Mayor of their unwillingness to participate, and the reasons for this (see Section 5.7 of this Procedure). That advice must be provided no more than one week after receiving notice of the Conciliation Application Form.

5.4. Conduct of conciliation

Conciliation is to be conducted by the Mayor except when the Mayor is a party to the dispute or otherwise unavailable to conduct conciliation. In this instance the Deputy Mayor will assume the role of the Mayor in the conciliation process.

If both the Mayor and the Deputy Mayor are parties to the dispute or otherwise unavailable to conduct the conciliation, the role of the Mayor must be performed by a Councillor jointly chosen for the purpose by the parties.

Councillor Internal Resolution Procedure

When, in this Procedure, reference is made to the Mayor it includes:

- a. the Deputy Mayor; and
- b. a Councillor jointly chosen for the purpose by the parties, when the Mayor and/or the Deputy Mayor are parties to the dispute or otherwise unavailable to conduct a conciliation.

5.5. Terms of engagement

Throughout the conciliation process, the parties are required to maintain confidentiality, act with goodwill and integrity and uphold the standards outlined in the Model Councillor Code of Conduct. A Terms of Engagement form (see Attachment 4) will be presented to all parties and the Mayor to sign before the commencement of conciliation.

5.6. Support from Council

The Councillor Conduct Officer will provide administrative assistance to the Mayor when arranging a time and place for conciliation, including any technical assistance that may be required. Council will make a venue available to the Councillors within Council's offices that is private and suited to the conciliation process. Alternatively, an appropriate external venue can be arranged at the cost of Council where deemed necessary by the Mayor.

Council will not pay the costs of legal advice or representation for any Councillor in connection with this Procedure. Where there is any inconsistency between this Procedure and any Council Policy regarding payment or reimbursement of Councillor legal costs, this Procedure will prevail. Parties to a dispute may seek their own legal or other advice at their own cost, if they choose to do so.

5.7. End or termination of conciliation

Conciliation will end or be terminated if any of the following occurs:

- a. the parties cannot jointly choose a Councillor to conduct the conciliation within one week of being asked to do so
- b. the Respondent notifies the Mayor that they do not wish to participate in conciliation and the reasons for it (which must be based on adverse health or wellbeing or safety concerns), within one week of receiving the Conciliation Application Form
- c. the Respondent does not respond to the Conciliation Application Form at all within two weeks of receiving it
- d. the Complainant withdraws the complaint
- e. conciliation has not occurred within four weeks of the Complainant submitting the Conciliation Application Form
- f. conciliation has occurred and the parties have been unable to resolve the dispute
- g. the dispute has been resolved.

The time for conciliation may be extended where extenuating circumstances exist or by agreement between the parties to the dispute, whether or not the matter has been escalated to one of the formal dispute resolution procedures outlined in the Act.

5.8. Record of outcome

The Mayor must document any agreement that is reached between the Complainant and Respondent. The agreement must be signed by the Complainant, Respondent and Mayor. Copies must be provided to the Complainant and Respondent, the Councillor Conduct Officer, and the CEO. The original must be retained by the Mayor.

The Mayor must specify if any matters are to be shared with the broader Councillor group (e.g., if the outcome includes a change of practice).

6. Third stage of Councillor Internal Resolution Procedure – External Mediation

Where a conciliation process has been performed and not been successful in resolving the dispute, the third stage of this Procedure is engaging an external mediator.

On occasion, the Mayor may make a request to the Councillor Conduct Officer to bypass the conciliation process to commence external mediation. In doing so, the Mayor must specify the reasons why conciliation is not appropriate. The Councillor Conduct Officer will advise the CEO of the request and the CEO will assess the request for approval.

6.1. Initiating an external mediator

If the Mayor considers that the dispute may be best resolved by external mediation rather than conciliation, this will be discussed with the Complainant and Respondent. If all parties agree, the Mayor will complete an External Mediation Application Form. If one or more party does not agree, conciliation may be attempted, or the matter may be progressed to Internal Arbitration (see Section 7 below).

The External Mediation Application Form (see Attachment 2 to this Procedure) must:

- a. specify the names of the Complainant and Respondent
- b. specify the provision (or provisions) of the Model Councillor Code of Conduct alleged to have been breached
- c. detail what was said or done by the Respondent to constitute a breach of the Model Councillor Code of Conduct
- d. detail dispute resolution processes attempted and the reasons why an external mediator is requested
- e. attach any supporting information to provide examples of the behaviour complained of (e.g. screenshots or emails)
- f. be dated and signed by the Mayor.

The External Mediation Application Form will be received by the Councillor Conduct Officer who will, in confidence, confirm receipt of the request to the parties of the dispute and the CEO, copying in the Mayor.

6.2. Participating in external mediation

The Councillor Conduct Officer must seek confirmation in writing that the parties to the dispute are willing to attend an external mediation.

If a party declines to participate, reasons must be provided in writing to the Councillor Conduct Officer who will provide a copy to the Mayor (see further Section 6.7 of this Procedure). The CEO and the other party will be informed of the decision to not participate. The matter may then be progressed to Internal Arbitration (see Section 7 below) or withdrawn by the Complainant.

6.3. Engaging an external mediator

If the parties confirm participation in an external mediation to the dispute, the Councillor Conduct Officer will recommend an external mediator. The parties and/or Mayor may also suggest a suitable mediator for consideration.

Engagement of an external mediator must comply with Council's Procurement Policy.

Council will cover the cost of the external mediator. The cost of external mediator engagement will be reported as a Councillor expense where a party has declined to participate in the conciliation process.

6.4. Roles and responsibilities

The role of the external mediator is to actively explore whether the dispute can be resolved by agreement between the parties. The Mayor must attend the mediation in a participatory capacity but must take direction from the external mediator.

The role of the Complainant and Respondent is to explain their respective positions and, in a show of goodwill, actively explore the possibility of resolving the dispute by agreement. Councillors are responsible for always conducting themselves in a courteous and respectful manner during the mediation.

The role of the Councillor Conduct Officer is to provide the external mediator with the administrative support necessary to arrange and conduct the external mediation.

6.5. Terms of engagement

Throughout the external mediation process, the parties are required to maintain confidentiality, act with goodwill and integrity and uphold the standards outlined in the Model Councillor Code of Conduct. A Terms of Engagement Form (see Attachment 4) will be presented to all parties and the Mayor to sign before the process of external mediation commences.

6.6. Support from Council

The Councillor Conduct Officer, will provide administrative assistance to the external mediator when arranging a time and place for mediation, including any technical assistance that may be required. Council will make a venue available to the Councillors within Council's offices that is private and suited to the mediation process. Alternatively, an appropriate external venue can be arranged at the cost of Council where deemed necessary by the Mayor.

Council will not pay the costs of legal advice or representation for any Councillor in connection with this Procedure. Where there is any inconsistency between this Procedure and any Council Policy regarding payment or reimbursement of Councillor legal costs, this Procedure will prevail. Parties to a dispute may seek their own legal or other advice at their own cost, if they choose to do so.

6.7. End or termination of mediation

Mediation will end or be terminated if any of the following occurs:

- a. the parties cannot jointly agree on an external mediator to conduct the mediation process within one week of being asked to do so
- b. the Complainant or Respondent notifies the Councillor Conduct Officer that they do not wish to participate in external mediation and the reasons for it (reasons must be based on adverse health or wellbeing or safety concerns) within one week of receiving the External Mediation Application Form

- c. the Complainant or Respondent does not respond to the Councillor Conduct Officer to confirm participation at all within two weeks of receiving the mediation request
- d. the Complainant withdraws the complaint
- e. mediation has not occurred within four weeks of the Complainant submitting the External Mediation Application Form
- f. mediation has occurred and the parties have been unable to resolve the dispute
- g. the dispute has been resolved.

The time for mediation may be extended by agreement between the parties to the dispute, whether or not the matter has been escalated to one of the formal dispute resolution procedures outlined in the Act.

6.8. Record of outcome

The external mediator must document any agreement that is reached between the Complainant and Respondent via the mediation process. The agreement must be signed by the Complainant, Respondent and External Mediator. Copies must be provided to the Complainant and Respondent, the Councillor Conduct Officer and CEO, and the original must be retained by the External Mediator.

7. State Government Intervention – Internal Arbitration Process

Should the dispute remain unresolved upon the termination of external mediation for any of the reasons outlined at Section 6.7 of this Procedure, the Complainant may apply to the Principal Councillor Conduct Registrar for an arbiter to make a finding of misconduct in accordance with the internal arbitration process.

An application for a finding of misconduct must be made to the Principal Councillor Conduct Registrar within three months of the alleged misconduct occurring.

8. Formal Dispute Resolution Procedure

This Procedure operates alongside, and does not replace, the formal dispute resolution procedures outlined in the Act.

The formal dispute resolution procedure applies to misconduct, serious misconduct and gross misconduct.

Sections 141-147 of the Act provide for an internal arbitration process concerning a breach of the Standards of Conduct set out in the Model Councillor Code of Conduct.

Councillor Internal Resolution Procedure

9. Definitions

TERM	DEFINITION
Councillor Conduct Framework	Is established under Part 6 of the Local Government Act 2020 and provides a hierarchy for the management of Councillor conduct complaints to address different levels of misconduct including misconduct, serious misconduct and gross misconduct.
Model Councillor Code of Conduct	Refers to the Model Councillor Code of Conduct prescribed in Schedule 1 to the Local Government (Governance and Integrity) Regulations 2020.
Standards of Conduct	Refers to the standards of conduct contained in the Model Councillor Code of Conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors.
Misconduct	By a Councillor means any breach by a Councillor of the standards of conduct, as per the Model Councillor Code of Conduct.
Serious misconduct	<p>By a Councillor means any of the following:</p> <ol style="list-style-type: none"> The failure by a Councillor to comply with the Council's internal arbitration process; The failure by a Councillor to comply with a direction given to a Councillor by an arbiter under section 147 of the Act; The failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor; The failure of a Councillor to comply with a direction of a Councillor Conduct Panel; Continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b) of the Act; Bullying by a Councillor of another Councillor or a member of Council staff; Conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or a member of Council staff; The disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information; Conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff; The failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision-making process when required to do so, in accordance with the Act. <p>A Council, a Councillor, a group of Councillors or the Chief Municipal Inspector can make an application under section 154 of the Act for a Councillor Conduct panel to make a finding that a Councillor has</p>

Councillor Internal Resolution Procedure

TERM	DEFINITION
	engaged in serious misconduct.
Gross misconduct	<p>By a Councillor means behaviour that demonstrates that a Councillor:</p> <ul style="list-style-type: none"> a. Is not of good character, or b. Is otherwise not a fit and proper person to hold the office of Councillor, including behaviour that is sexual harassment and that is of an egregious nature <p>The Chief Municipal Inspector can apply to the Victorian Civil and Administrative Tribunal to make a finding that a Councillor has engaged in gross misconduct.</p>
Internal Resolution Procedure	This Procedure. Councillors are encouraged to attempt to resolve any disputes, including disputes concerning alleged breaches of the Model Councillor Code of Conduct, through Council's own Internal Resolution Procedure in the first instance.
Outcome resolved	The dispute has resolved.
Outcome escalated	The dispute is progressing to the next stage.
Outcome abandoned	The dispute is not proceeding because the Complainant does not wish to proceed.
Internal arbitration process	Where a matter concerning an alleged breach of the Model Code of Conduct cannot be resolved internally, despite attempts to do so or where use of the Council's Internal Resolution Procedure is not appropriate, a Council, Councillor or group of Councillors can apply for an independent arbiter to be appointed to conduct an internal arbitration process under section 141 of the Act.
Councillor Conduct Officer	Means the person appointed in writing by the CEO to be the Councillor Conduct Officer for the Council under section 150 of the Act.
Principal Councillor Conduct Registrar (PCCR)	Means the person appointed by the Secretary to be the Principal Councillor Conduct Registrar under section 148 of the Act.
Councillor Conduct Panel	Means a panel formed by the Principal Councillor Conduct Registrar under section 156 of the Act.
Chief Municipal Inspector	Is the head of the Local Government Inspectorate.

10. Review of Procedure

This Procedure will be reviewed every four (4) years or upon significant change to relevant legislation or the Model Councillor Code of Conduct, whichever occurs first.

Councillor Internal Resolution Procedure

Attachment 1 - Conciliation Application Form

(To be completed by the Complainant to initiate conciliation in the event of a dispute between Councillors)

Complainant:	
Respondent:	
Provisions of Model Councillor Code of Conduct alleged to have been breached:	
Action constituting alleged breach: (Include dates, times and detailed descriptions of the action complained of. Attach further documents as necessary.)	

Signature

Date

Name

Councillor Internal Resolution Procedure

Attachment 2 – External Mediation Application Form

To be completed by the Councillor Conduct Officer to initiate mediation should conciliation be unsuccessful. Copies to be provided to the Mayor (or delegate, if directly involved) and CEO.

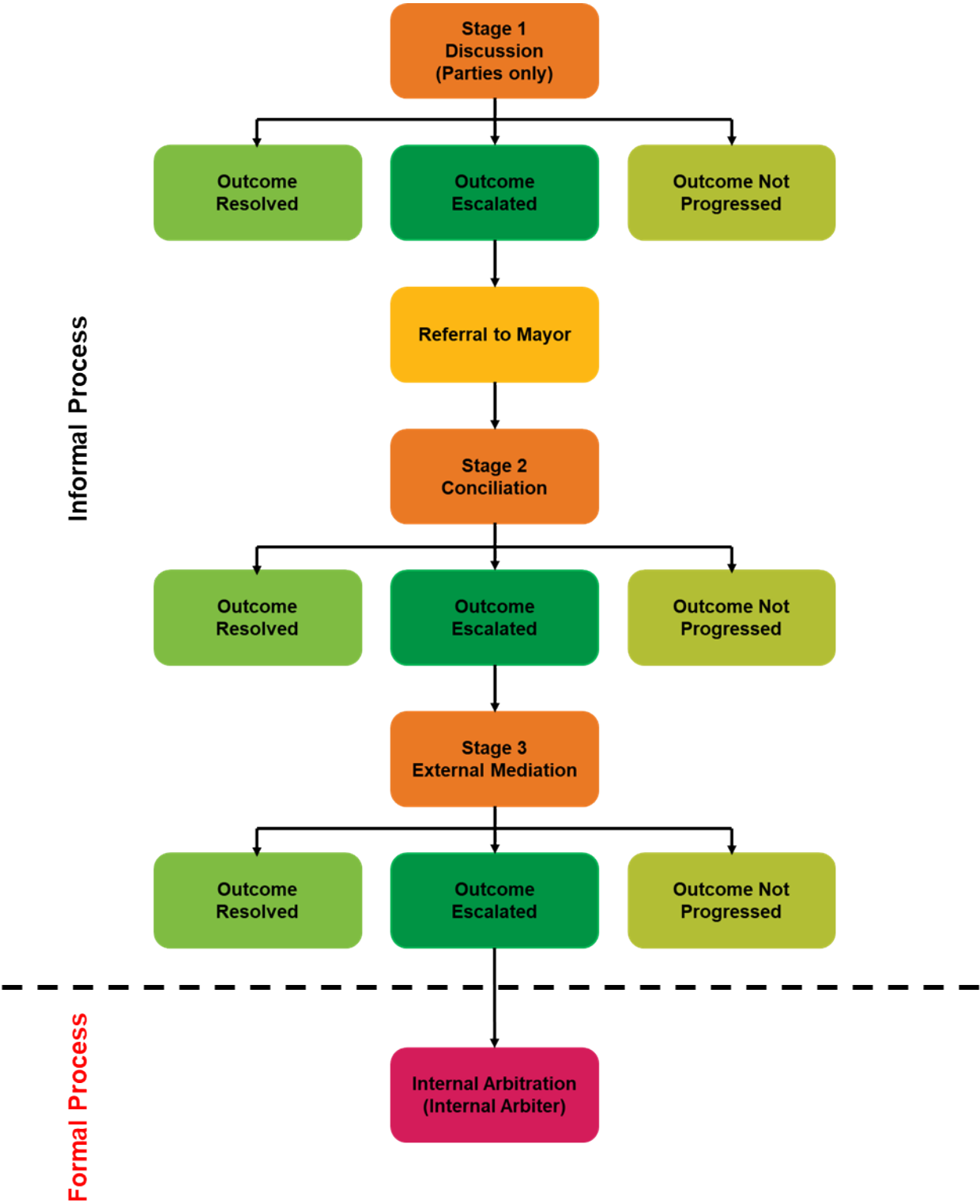
Complainant:	
Respondent:	
Provisions of Model Councillor Code of Conduct alleged to have been breached:	
Action constituting alleged breach: (Include dates, times and detailed descriptions of the action complained of. Attach further documents as necessary.)	
Previous Dispute Resolution Processes: (Detail dispute resolution processes attempted and the reasons why an external mediator is requested.)	

Signature

Date

Name

Attachment 3 – Internal Resolution Procedure Flowchart



Attachment 4 – Terms of Engagement

Terms of Engagement for Councillors in Conciliation or External Mediation Processes

1. Purpose

These Terms of Engagement outline the expectations and commitments for Councillors participating in a conciliation or external mediation process regarding an alleged breach of the Model Councillor Code of Conduct.

2. Confidentiality

All parties agree to maintain strict confidentiality regarding all discussions, documents, and outcomes related to the conciliation or mediation process. Information disclosed during the process must not be shared with any external party unless required by law or as agreed by all parties and the Mayor.

3. Good Faith and Integrity

Councillors commit to engaging in the process with honesty, respect, and integrity. Participants will make genuine efforts to resolve the matter in a constructive and cooperative manner, free from hostility or undue influence.

4. Adherence to the Model Councillor Code of Conduct

All Councillors agree to uphold the principles and standards outlined in the Model Councillor Code of Conduct throughout the process.

5. Voluntary Participation and Commitment to the Process

Participation in the conciliation or mediation process is voluntary. However, once engaged, all Councillors agree to fully participate, comply with procedural requirements, and consider proposed resolutions in good faith.

6. Non-Retaliation

Councillors must not engage in any form of retaliation against any party involved, or the Mayor or mediator, in the conciliation or mediation process, regardless of the outcome.

7. Acknowledgment and Agreement

By signing below, I acknowledge that I have read, understood, and agree to abide by these Terms of Engagement for the duration of the conciliation or external mediation process.

Signature

Date

Name

Councillor Conduct Framework Overview (adapted from Local Government Victoria)

Allegation of:	Misconduct	Serious Misconduct	Gross Misconduct
Grounds of allegation:	<ul style="list-style-type: none"> Breach by a Councillor of the Model Councillor Code of Conduct 	<ul style="list-style-type: none"> Failure to comply with the Councillor Internal Resolution Procedure Failure to comply with the (Internal) Arbiter's direction Failure to attend a Councillor Conduct Panel (CCP) hearing Failure to comply with a CCP direction Continued or repeated misconduct Bullying Sexual harassment Disclosure of confidential information Directing a member of council staff Failure to disclose a conflict of interest* 	<ul style="list-style-type: none"> Behaviour that demonstrates that a Councillor is not of good character or is otherwise not a fit and proper person to hold the office of Councillor
Allegation made by:	Council or Councillor(s)	Council or Councillor(s) or Chief Municipal Inspector	Chief Municipal Inspector
Managed through:	Councillor Internal Resolution Procedure Informal process including: Discussion, Conciliation, Mediation & formal process of Internal Arbitration (where an independent Arbiter is appointed to the Council by the Principal Councillor Conduct Registrar (PCCR))	Councillor Conduct Panel CCP is informed by PCCR to hear an allegation of serious misconduct by a Councillor The CCP comprises two people selected by the PCCR from a panel list established by the Minister for Local Government under section 153 of the Local Government Act 2020	Victorian Civil and Administrative Tribunal VCAT may hear an application made by the CMI that alleges gross misconduct by a Councillor
Possible Sanctions:	<ul style="list-style-type: none"> Apology Suspension (max 3 months) Removal from position as council representative / chair of delegated committee Training or counselling Ineligible to attend a council meeting Ineligible to hold office of Mayor / Deputy Mayor for up to 12 months 	<ul style="list-style-type: none"> Ineligible to hold office of Mayor / Deputy Mayor for remainder of term (unless CCP directs otherwise) Reprimanded Apology Suspension (max 12 months) Ineligible to chair delegated committee Mediation, training, counselling** 	<ul style="list-style-type: none"> Office of Councillor is vacated Disqualification (max 8 years)

Notes:

* An application that alleges that a Councillor had failed to disclose a conflict of interest may only be made by the CMI

** A CCP can also make a finding of misconduct or make a finding that remedial action is required



Government
Services

Model Councillor Code of Conduct

Local Government (Governance and Integrity) Amendment
Regulations 2024

Model Councillor Code of Conduct

Schedule 1 of the Local Government (Governance and Integrity) Amendment Regulations 2024

Definitions

In this Schedule—

discrimination means unfair or unfavourable treatment of a person on the grounds of an attribute specified in section 6 of the **Equal Opportunity Act 2010**.

Standards of Conduct

1. Performing the role of a Councillor

A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly, including by—

- (a) representing the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community; and
- (b) being fit to perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (c) diligently using Council processes to become informed about matters which are subject to Council decisions; and
- (d) not performing or purporting to perform any responsibilities or functions of the Chief Executive Officer; and
- (e) acknowledging and supporting the Mayor in the performance of the role of the Mayor, including by—
 - (i) respecting and complying with a ruling of the Mayor as the chair of Council meetings (unless dissenting from the ruling in accordance with the Council's Governance Rules); and
 - (ii) refraining from making public comment, including to the media, that could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised by the Mayor to make such a comment.

2. Behaviours

- (1) A Councillor must treat others, including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, courtesy and respect, including by—
 - (a) not engaging in demeaning, abusive, obscene or threatening behaviour, including where the behaviour is of a sexual nature; and
 - (b) not engaging in behaviour that intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons; and
 - (c) not engaging in discrimination or vilification; and

- (d) supporting the Council, when applying the Council's community engagement policy, to develop respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations and the Aboriginal community; and
 - (e) supporting the Council in fulfilling its obligation under the Act or any other Act (including the **Gender Equality Act 2020**) to achieve and promote gender equality; and
 - (f) ensuring their behaviours and interactions with children are in line with the Council's policies and procedures as a child safe organisation and obligations under the **Child Wellbeing and Safety Act 2005** to the extent that they apply to Councillors.
- (2) A Councillor, as an individual at the workplace, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons by—
- (a) adhering to applicable systems and policies put in place by the Chief Executive Officer to manage risks to health and safety in the workplace; and
 - (b) complying, so far as the Councillor is reasonably able, with any reasonable instruction that is given by the Chief Executive Officer to manage risks to health and safety.
- (3) A Councillor must act in accordance with any policies, practices and protocols developed and implemented under section 46 of the Act that support arrangements for interactions between members of Council staff and Councillors.

3. Good governance

A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community—

- (a) the Council's expenses policy adopted and maintained under section 41 of the Act;
- (b) the Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to—
 - (i) conduct in Council meetings or meetings of delegated committees; and
 - (ii) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; and
 - (iii) the Council's election period policy included in the Council's Governance Rules under section 69 of the Act, including in ensuring that Council resources are not used in a way that is intended to influence, or is likely to influence, voting at a general election or by-election;
- (c) the Council's Councillor gift policy adopted under section 138 of the Act;
- (d) any direction of the Minister given under section 175 of the Act.

4. Integrity

- (1) A Councillor must act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including by—
- (a) ensuring that their behaviour does not bring discredit upon the Council; and

- (b) not deliberately misleading the Council or the public about any matter related to the performance of their public duties; and
- (c) not making Council information publicly available where public availability of the information would be contrary to the public interest.

Note

See the public transparency principles set out in section 58 of the Act.

- (2) A Councillor must not, in their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), expressly or impliedly request preferential treatment for themselves or a related person or entity.

5. The Model Councillor Code of Conduct does not limit robust public debate

Nothing in the Model Councillor Code of Conduct is intended to limit, restrict or detract from robust public debate of issues in a democracy.