

Part 1: Reforms to strengthen council leadership, capability and councillor conduct.

Reform proposal	Support / Not Support	Comments (Please limit responses for each proposal to 500 words)
<p>Mandatory ongoing training for councillors and mayors</p>	<p>Partially Support – some consideration to be made to scope of training and financial implications.</p>	<p>Ongoing training provides Councillors with the necessary information and knowledge to make informed decisions. This can lead to better governance, improved policy formulation, and increased responsiveness to the needs of the community. This helps to build public trust and confidence in the local government, as residents see their representatives committed to high ethical standards.</p> <p>The political and social landscape is constantly evolving. Regular training equips councillors and mayors with the ability to adapt to changing environments, ensuring that they remain effective leaders in the face of new challenges and opportunities. It can enhance communication skills, helping councillors and mayors effectively convey their ideas to the public. Clear and transparent communication fosters a positive relationship between Councillors and the community.</p> <p>Conversely, the challenges associated with mandatory training for Councillors include demanding schedules that may impact their effectiveness. The reduction in the delivery of the training from 6 months to three months will be problematic and impractical due to the timing constraints associated with elections and declarations.</p> <p>Given that most councils do not convene in January, delivering training by the end of February poses challenges and would necessitate dedicating the first few months of councillor sessions entirely to induction, precluding discussions on other essential matters.</p> <p>Financial concerns also need to be taken into consideration due to the associated costs of continuous training, potentially deterring smaller Council's with limited budgets.</p> <p>Council does not support the idea of withholding the councillor allowance until the mandatory training is fully completed as it could create administrative complexities and potential disparities in allowance disbursement based on individual training progress and attendance.</p>

		<p>Overall, it is the view of this Council that the implementation of mandatory ongoing training for councillors and mayors comes with both advantages and challenges. Striking a balance between ensuring continuous improvement and addressing the concerns and constraints of Councillors and implementation of the reforms is crucial for the success of such reforms.</p>
<p>Enable model Councillor Code of Conduct and other governance matters to be prescribed in regulations</p>	<p>Partially Support</p>	<p>Council's view is that the proposal to introduce a uniform mandatory Model Code for all councils is a commendable initiative that holds the potential to enhance the integrity and transparency of local government operations. By replacing existing codes with a standardised framework, it will aim to establish consistent standards of conduct expected from councillors across various councils.</p> <p>The proposed Model Code preserves the fundamental principles yet its forward-thinking approach, addresses potential issues proactively and incorporates measures for consistent standards and early intervention. This will help cultivate a culture of accountability and ethical governance within local councils.</p> <p>The move to no longer require Council's to formally adopt their Code not only streamlines the regulatory landscape but also prevents any potential dilution of standards, however Council would also like to see the signing of the document as an agreement to comply return, to ensure councillors have understood the document and committed to abide by its requirements. This will ensure greater accountability.</p> <p>Council does not support the inability to adopt separate policies for matters not covered in the Model Code, Council believes this approach is inflexible as does not take into account the local governments unique challenges and require tailored solutions.</p> <p>Allowing flexibility while ensuring standards of conduct align across the sector ensures that councils are able to maintain a balance between adherence to the Model Code and addressing local nuances.</p> <p>Council also believes that the proposal should go a step further and consider incorporating provisions for the production of best practice guidelines. These guidelines can serve as a valuable resource for councils, providing insights into efficient and equitable ways to handle conduct-related issues and also including Councillor/Staff interactions protocol. Furthermore, the guidelines should include checks and balances specifically addressing the CEO's involvement in managing</p>

councillors' conduct. Given the influential role of the CEO in the organisational hierarchy, establishing a clear framework for their involvement in conduct matters is paramount. This could include outlining the circumstances under which the CEO may be required to intervene, ensuring that such interventions are conducted impartially and in accordance with established procedures. Best practice guidelines can evolve over time, incorporating lessons learned and adapting to the changing landscape of local government.

Another crucial aspect to consider is the provision of support for individuals going through the conduct processes. Facing an inquiry or investigation can be a daunting experience for councillors and officers, and having a support system in place is essential. The proposal should include measures to ensure that individuals undergoing conduct processes have access to support or advisory services. This not only safeguards the rights of the individuals involved but also contributes to a fair and thorough examination of the circumstances.

Moreover, incorporating provisions for training and education around the Model Code can be beneficial. This can help councillors better understand their responsibilities and obligations, reducing the likelihood of unintentional breaches. Investing in ongoing training programs ensures that councillors remain well-informed about the evolving standards of conduct and can contribute to a positive and proactive council culture.

Overall the proposal to introduce a uniform mandatory Model Councillor Code of Conduct is a positive step towards reinforcing ethical standards and accountability in local government. Its emphasis on consistency, transparency, and flexibility, along with alignment with relevant recommendations, makes it a well-rounded initiative that has the potential to elevate the standards of governance across the board. Council however stresses the need to include provisions in regulations or producing best practice guidelines to guide the application of conduct provisions is a crucial enhancement to be considered in addition to the proposed Model Councillor Code. These provisions can serve as a roadmap for councils, fostering consistency and fairness in their approach to conduct-related matters. Additionally, offering support for individuals navigating the conduct processes, such as access to legal counsel and educational programs, contributes to a more equitable and transparent governance framework.

Part 2: Early intervention and dispute resolution

Reform proposal	Support / Not Support	Comments (Please limit responses for each proposal to 500 words)
<p>Limit the Victorian Civil and Administrative Tribunal's (VCAT) jurisdiction with respect to councillor conduct panel decisions.</p>	<p>Partially Support</p>	<p>Council partially supports the proposed reform. While Council acknowledges the intention of the proposal is to streamline and refine the review process for councillor conduct panel decisions and to align this process with the internal arbitration process (IAP) under the Local Government Act (LG Act), Council believes this approach undermines the principles of transparency, accountability, and fairness in the resolution of councillor conduct matters.</p> <p>Firstly, confining the scope of review to legal, reasonable, or fair considerations limits the avenues for challenging a decision based on its substance and merits. This narrow focus risks overlooking potential procedural irregularities, factual errors, or instances where the decision-making process itself may have been flawed. Additionally, the exorbitant cost associated with pursuing a matter in the Supreme Court, as opposed to VCAT, could be prohibitive for some councillors and councils, hindering their ability to address the matter effectively.</p> <p>The proposed reform could inadvertently create an impediment to justice by limiting the avenues for appeal. In contrast, allowing VCAT to review decisions based on both procedural fairness and merits would contribute to a more comprehensive and impartial examination of councillor conduct matters, instilling confidence in the fairness of the process.</p> <p>Council believes consideration should be given to an effective oversight mechanism which encompasses a comprehensive review that goes beyond the legality and reasonableness criteria, ensuring that justice is not only done but is seen to be done.</p> <p>While Council remains somewhat concerned with the proposed restriction on VCAT's jurisdiction, it believes that if the decision is made to move forward, careful attention should be given to streamlining the avenues through which matters can be raised under the conduct framework. For example consider whether both the internal arbitration process and the Councillor Conduct Panel process are both required. This approach would not only address concerns related to councillor conduct more efficiently but also ensure that the overall process is fair, accessible, and transparent.</p>

<p>Councils must not indemnify councillors in relation to the internal arbitration process and the councillor conduct panel process.</p>	<p>Support</p>	<p>The current practice of councils indemnifying councillors for legal expenses related to Internal Arbitration Processes (IAP) or Councillor Conduct Panel (CCP) proceedings has been problematic due to the complex nature of how these matters can be resolved. The proposed restrictions on council indemnification, as outlined, aim to strike a balance between fair legal representation and the efficient handling of councillor conduct processes.</p> <p>Importantly, the proposal does not create an absolute prohibition on council indemnification and for this reason Council supports the proposed reform. It introduces a carefully considered exception that allows councils to indemnify councillors when an arbiter or CCP grants a party leave to have legal representation. This provision acknowledges the necessity of legal representation in specific instances where fairness in the process is contingent upon it. This approach strikes a balance between ensuring due process and preventing unwarranted delays in councillor conduct proceedings.</p> <p>Furthermore, the proposal sensibly does not restrict councils from obtaining legal advice related to proceedings initiated by them through council resolution. This preserves the councils' ability to seek legal guidance on matters they initiate while appropriately addressing concerns about potential misuse of indemnification in cases initiated by councillors.</p> <p>In conclusion, Council supports the proposed reform to restrict council indemnification for legal costs in councillor conduct processes. This balanced approach addresses the concerns surrounding potential misuse of indemnification while maintaining provisions for fair legal representation when deemed necessary by arbiters or CCP. Council believes this reform will contribute significantly to the efficiency and integrity of councillor conduct proceedings.</p>
<p>Broaden the scope of sanctions that may be imposed by an arbiter.</p>	<p>Support</p>	<p>The current limitations within the Local Government (LG) Act, particularly concerning the powers of an arbiter and the transparency of their decisions, highlight the need for comprehensive reforms. The suggested amendments, inspired by recommendations from the Municipal Monitor and IBAC's Operation Sandon Special Report, present a sensible response to the inadequacies identified in the existing framework. Council generally supports the expansion of sanctions that may be imposed by an arbiter.</p> <p>The LG Act currently outlines the sanctions that an arbiter may impose if misconduct is found against a councillor. These current sanctions do not go far enough to deter poor</p>

behaviour and conduct issues in certain situations. These additional considerations demonstrate a commitment to holding councillors accountable for their actions while allowing for proportionate consequences for misconduct.

Council also supports the proposed changes to give the arbiter the power to specify a council meeting which a councillor is prevented from attending and participating in.

The current practice of the subsequent tabling of the arbiter and decision at the next council meeting, often impromptu and with limited public notice, diminishes transparency in the arbiter's decision-making process.

This modification ensures that the information is presented in a manner that promotes openness and accountability. Furthermore, this power adds an element of flexibility, allowing for efficient resolution while maintaining transparency.

In conclusion, the proposed reforms provide a much-needed enhancement to the current councillor conduct proceedings outlined in the LG Act. By addressing the inadequacies in the existing framework, the reforms align with recommendations from tabled reports and enhance the overall integrity and effectiveness of the councillor conduct process.

Council supports the introduction of these reforms to ensure a fair, transparent, and accountable local governance system.

Part 3: Oversight Mechanisms

<p>Suspending or disqualifying individual councillors</p>	<p>Supported</p>	<p>Council supports the proposed reforms that allows the Minister should they be satisfied on the advice of a Municipal Monitor or Commission appointed to the council that an individual councillor is creating a serious risk to the health and safety at the council or is preventing the council from performing its functions that they be suspending or disqualifying individual councillors. Notably the point that sees Council support this reform is that there are assurances provided in that prior to a Municipal Monitor or Commission submitting a report to the Minister recommending the suspension or disqualification of a councillor, they must first provide procedural fairness to the councillor to ensure they're provided an opportunity to respond to the adverse claims.</p> <p>Overall, implementing individual council sanctions is a more effective mechanism for addressing councillor conduct issues. Past instances have demonstrated that the misconduct of one or a few councillors can have severe consequences for the entire council. There should however be consideration for dealing with instances where multiple councillors are suspended or disqualified simultaneously, leading to the inability to achieve a quorum at meetings and thereby disrupting the council's decision-making process.</p> <p>Lastly, Council supports the sanctions that will see the suspended councillor be ineligible to hold the office of mayor or deputy mayor, or to chair a delegated committee of the council, for the remainder of the term. Furthermore, Council supports a disqualification period of up to eight years is deemed essential to ensure that the councillor is appropriately removed from the council for a suitable duration.</p>
<p>Clarify the application of privileges and statutory secrecy to Municipal Monitors and Commissions of Inquiry</p>	<p>Supported</p>	<p>Council supports this proposed reform. In the interest of the matter and investigation the monitor should be provided with all information requested and officers, councillors and witnesses should feel protected and confident in providing that information without consequences.</p>
<p>Give the Chief Municipal Inspector the power to issue infringements for certain offences.</p>	<p>Supported</p>	<p>Council supports this proposed reform. The provision of infringements for failure to comply with legislative requirements is supported however Council notes that in order for this reform to be effective, additional resources is required for the Chief Municipal Inspector to effectively implement.</p>