

Fact Sheet: Internal Arbitration Processes

The purpose of this fact sheet is to provide information to councils and councillors about the **internal arbitration process** under Division 5 of Part 6 of the Local Government Act 2020, including in relation to the requirements for making an application and the conduct of internal arbitration processes.

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Section 1: Making an application

What is an internal arbitration process?

An internal arbitration process refers to the process provided for under Division 5 of Part 6 the *Local Government Act 2020* (LG 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.

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 LG Act.

What types of complaints are heard by an internal arbitration process?

An arbiter may hear an application made under section 143 of the LG Act that alleges misconduct by a councillor.

Misconduct is defined by the LG Act as a breach by a councillor of the Model Councillor Code of Conduct (Model Code of Conduct), which is set out in [Schedule 1 to the Local Government \(Governance and Integrity\) Regulations 2020](#) (G&I Regulations).¹

The Model Code of Conduct is extracted at **Appendix 1**. Local Government Victoria has also published separate guidelines regarding the requirements and operation of the Model Code of Conduct, available on the [Department’s website](#).



An internal arbitration process can only deal with complaints alleging misconduct by a councillor. It is not intended to address or resolve other disagreements between councillors, such as about matters that are subject to council decisions.

It is important that councillors make applications in good faith and not attempt to use the internal arbitration process for frivolous or vexatious complaints.

¹ Section 3 of the LG Act.

Transitional matters

From 26 October 2024, all councillors are required to observe the Model Code of Conduct.²

The Model Code of Conduct replaced the earlier standards of conduct previously set out in Schedule 1 to the G&I Regulations and the previous statutory requirement for each Council to develop its own Councillor Code of Conduct which incorporated these standards of conduct.

If a complaint concerns alleged conduct of a councillor that occurred prior to 26 October 2024, any application for an internal arbitration process must be made in relation to the previous standards of conduct (i.e., the standards of conduct that were in effect at the time the conduct is alleged to have occurred).

If an application for an internal arbitration process was made prior to 26 October 2024 but is yet to be examined by the PCCR or determined by an arbiter, the application will be assessed and determined in relation to those previous standards of conduct.

An applicant that wishes to make an application in relation to alleged conduct that occurred prior to 26 October 2024 (that falls within the 3 month statutory time limit), can contact their council's Councillor Conduct Officer (CCO) who can provide them with a copy of the previous application form.

Who can make an application for an internal arbitration process?

An application for an internal arbitration process may be made by -

- a council by resolution,
- a councillor,
- or a group of councillors.³

If a member of the community believes that a councillor has breached the Model Code of Conduct and that it should be dealt with under the councillor conduct framework, it is open to them to raise these concerns with the mayor of the council or another councillor.

Do councillors need to attempt to resolve a complaint before making an application for an internal arbitration process?

Where appropriate, councillors are strongly encouraged to discuss a complaint informally and make every effort to resolve their concerns directly with the other councillor(s) involved as early as possible, with a view to maintaining effective working relationships.

Every council is required to have in place an internal resolution procedure for dealing with alleged breaches of the Model Code of Conduct.⁴ Schedule 1A to the G&I Regulations prescribes the internal resolution procedure that may be followed by councillors to deal with alleged breaches of the Model Code of Conduct. This

² Section 139(1) of the LG Act.

³ Section 143(2) of the LG Act.

⁴ Section 140 of the LG Act.

procedure must include a conciliation process that is to be conducted by the mayor and may include any other process that the council considers appropriate.

While the **council's internal resolution procedure** (CIRP) must provide an avenue for dealing with alleged breaches of the Model Code of Conduct, it may also provide councils with an effective avenue to address other types of complaints or disputes that may arise. These may include interpersonal disputes or complaints about serious misconduct.

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 CIRP could be counterproductive or problematic, an application for an internal arbitration process may be made.



Councillors should attempt to resolve a complaint informally at the earliest opportunity as an application for an internal arbitration process must be made within 3 months of the alleged misconduct occurring.

What if councillors do not attempt to resolve a complaint informally?

Although it is not mandatory for councillors to participate in any informal resolution processes, the PCCR may reject an application if it does not show that sufficient or appropriate steps were taken to attempt resolve the matter or provide adequate reasons as to why no steps were taken to resolve the matter.⁵

The PCCR may also exercise their discretion to reject an application or refer a matter back to the council if satisfied that the matter the subject of the application has been or is being dealt with, or would more appropriately be dealt with by the council.⁶

The CIRP must include the form and availability of a record of any agreement, resolution or outcome reached through the process.⁷ This record may assist councillors to address this requirement in their application.

Councillors should also consider whether it would be appropriate to pursue an application in circumstances where it appears the matter has been resolved. A common example of where this might occur is where the councillor the subject of the complaint has acknowledged their behaviour and made a full and unreserved apology.



Some arbiters have criticised councillors for making internal arbitration process applications prematurely, when more conciliatory steps could have been considered to resolve the matter, or where the councillor who was the subject of the complaint had proactively taken steps to address the concerns raised with them about their conduct.

⁵ Section 144(1) of the LG Act.

⁶ Section 144(1B) of the LG Act

⁷ Schedule 1A of the G&I Regulations.

What information must be included in an application?

The G&I Regulations set out certain requirements for making an application for an internal arbitration process.⁸

An application for an internal arbitration process must specify -

- the name of the councillor alleged to have breached the Model Code of Conduct; and
- the clause of the Model Code of Conduct that the councillor is alleged to have breached; and
- the circumstances, actions or inactions of the councillor who is the subject of the application that are alleged as constituting misconduct; and
- the particulars of any evidence of those circumstances, actions or inactions of the councillors that are alleged as constituting the misconduct; and
- with respect to the matter that is the subject of the application -
 - any steps taken by the council to resolve the matter; or
 - If the council has not taken any steps to resolve the matter, the reason why the council did not take any steps to resolve the matter.



It is important that an application address all of the matters set out in regulation 11(1) of the G&I Regulations, otherwise the application will be rejected or returned to you by the PCCR.

Important points to remember when preparing an application

When describing the circumstances, actions or inactions that are alleged as constituting misconduct, the application should describe these specifically in relation to the standards of conduct of the Model Code of Conduct that the councillor is alleged to have breached.

Applicants should avoid making bare allegations or assertions in the absence of supporting detail as the basis for their application. For example, "It is alleged that at the council meeting of 1 January 2025, Councillor Y spoke in an offensive and disrespectful manner towards Councillor X which made Councillor X feel uncomfortable." An applicant must include details of the alleged conduct and describe the specific behaviour that is the subject of the application.

It is not necessary to include all evidence in an application that may ultimately be provided to an arbiter hearing the matter (e.g. screen shots of social media posts, copies of emails, newspaper clippings), however an application should describe the evidence that they intend to rely on in support of the allegations made.

⁸ Regulation 11 (1) of G&I Regulations.

Example

Councillor X makes an application for an internal arbitration process on the basis that Councillor Y has engaged in misconduct. The application -

- Specifies that Councillor Y is alleged to have breached clause 2(1) of the Model Code of Conduct requiring Councillors to treat other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, courtesy and respect.
- Describes the actions of Councillor Y that are alleged to have breached clause 2(1) of the Model Code of Conduct, which in the particular case is:

At the Council meeting of 1 January 2025, Councillor Y failed to treat Councillor X with courtesy and respect when during the debate on Item 2, Councillor Y stood-up, interrupted Councillor X's remarks and shouted in an aggressive manner, "you are a brainless idiot".

- Specifies that Councillor Y's behaviour that occurred at the council meeting of 1 January 2025 was recorded and a copy of that recording will be provided in support of the allegation.
- States that Councillor X sought to resolve the matter in accordance with the council's internal resolution procedure but that was unsuccessful because Councillor Y refused to participate in the conciliation process.

Applications made by the council or a group of councillors

If an application is made by the council, a copy of the minutes of the council meeting recording the resolution must be included with the application.

If an application is made by the council or a group of councillors, the application must state the name and address of the councillor whom the council or the group of councillors has appointed as representative of the council or the group of councillors.⁹ This councillor will have the responsibility of being the primary contact and representing the council or group of councillors in relation to the process.

Application forms

While not mandatory, councillors are encouraged to use the **Internal Arbitration Process Application Form**, which includes prompts to assist councillors with submitting a valid application.

A copy of the application form is available on the Department's website or alternatively, may be requested from the council's CCO.



Applications and any supporting materials should be lodged as a single PDF document to assist the PCCR with processing applications.

⁹ Section 143(5) of the LG Act.

How can an application be lodged?

An application for an internal arbitration process must be made to the PCCR.

Applications can be lodged with the PCCR -

- by email to: pcc.registrar@ecodev.vic.gov.au
- by post to: Principal Councillor Conduct Registrar
Level 8, 1 Spring Street
Melbourne, VIC 3000

An applicant can also contact their council's CCO to assist with this process, however, if doing so, they should be mindful of the time limit for making an application.

What is the time limit for making an application?

An application for an internal arbitration process must be made within **3 months** of the alleged misconduct occurring.¹⁰

An application is taken to be made when it is received by the PCCR.¹¹

This requirement means that the PCCR cannot appoint an arbiter to the council to hear the matter if the PCCR receives the application more than 3 months after the alleged misconduct occurred.

It is important that an application clearly sets out the date the misconduct is alleged to have occurred. Failure to do so may result in the PCCR rejecting the application or returning the application to you.

Example

Councillor X intends to make an application for an internal arbitration process, alleging that Councillor Y breached Standard 2 of the Model Code of Conduct. The conduct complained of occurred at the previous month's council meeting. While preparing the application, Councillor X recalls other inappropriate conduct directed towards them by Councillor Y that took place more than 3 months ago.

As an application must be made within 3 months of the alleged misconduct occurring, Councillor X should not include in their application the alleged misconduct that occurred more than 3 months ago.

¹⁰ Section 143(3) of the LG Act.

¹¹ Section 143(3A) of the LG Act.

Is an application confidential?

Information relating to an internal arbitration process is confidential information within the meaning of the LG Act.¹²

This includes -

- information in an application made under section 143 for an internal arbitration process,
- information provided to or produced by the PCCR for the purposes of an internal arbitration process, and
- information provided to or produced by an arbiter for the purposes of an internal arbitration process, other than the findings and reasons.¹³

This means that councillors must keep information relating to an application confidential and out of the public domain.

The disclosure by a councillor of information the councillor knows, or should reasonably know, is confidential information constitutes serious misconduct. Additionally, intentionally or recklessly disclosing confidential information constitutes an offence under section 125 of the LG Act that carries a penalty of up to 120 penalty units.

The LG Act permits confidential information to be used in the course of an internal arbitration process, including in an application for an internal arbitration process, and for the purposes of the internal arbitration process.¹⁴

This means that councillors and members of council staff may discuss or share information relating to these processes within council, where it is shared for the purpose of the internal arbitration process, for example, for the purposes of arranging witnesses or arranging venues.

At the completion of the internal arbitration process the arbiter's decision and statement of reasons must be tabled at the next council meeting and recorded in the minutes of that meeting.¹⁵ Arbiters' decisions are also published on the Department's website.

What happens once an application is made to the PCCR?

When an application is made, the PCCR will acknowledge receipt of the application to the applicant.

The PCCR will inform the respondent councillor that an application has been made against them and provide them with a copy of the application. The PCCR will also provide a copy of the application to the council's CCO.

¹² Section 3 of the LG Act.

¹³ Section 145 of the LG Act.

¹⁴ Section 123(3) of the LG Act.

¹⁵ Section 147(4) of the LG Act.

PCCR must examine the application

Before an arbiter can be appointed to hear the matter, the PCCR is required to examine the application to determine whether or not it meets the requirements of section 144(1) of the LG Act.

In examining the application under section 144(1) the PCCR must be satisfied that -

- the application is not frivolous, vexatious, misconceived or lacking in substance; and
- there is sufficient evidence to support an allegation of a breach of the Model Code of Conduct as specified in the application; and
- the council—
 - has taken sufficient or appropriate steps to resolve the matter and the matter remains unresolved; or
 - has not taken any steps to resolve the matter but the reason for that is adequate.

Action the PCCR must take after examining an application

If after examining the application, the PCCR is satisfied that the application meets the requirements of section 144(1) of the LGA Act, the PCCR must appoint an arbiter to the council to hear the matter. The PCCR will notify both parties and the council's CCO of their decision and of the appointment of the arbiter.

The arbiter appointed to a council to conduct an internal arbitration process is selected by the PCCR from the panel list established by the Secretary to the Department of Government Services under section 142 of the LG Act.

The PCCR must reject an application or refer the matter back to the council if not satisfied of the matters set out in section 144(1) of the LG Act.¹⁶ The PCCR will notify both parties and the council's CCO of their decision and provide reasons for that decision. In these circumstances, no further action is required by either the applicant or respondent in relation to the matter.

If the PCCR believes the matter the subject of the application has been or is being dealt with, or would more appropriately be dealt with, by the council or another person or body (for example, a Councillor Conduct Panel, the CMI or IBAC), the PCCR may reject the application, refer the matter back to council, or refer the matter to that person or body.¹⁷

Related applications

If the PCCR receives an application that involves the same parties as another application for which an arbiter has already been appointed, the PCCR must forward that new application to the arbiter. Based on the subject matter of the new application, the arbiter must then decide whether to join that application with the

¹⁶ Section 144(2) of the LF Act.

¹⁷ Section 144(1B) of the LG Act.

existing application they were appointed to hear, or return the new application to the PCCR to examine in accordance with section 144(1).¹⁸

Can an application be withdrawn?

An applicant can withdraw an application by notice in writing to the PCCR at any time before the application has been examined by the PCCR.

If an arbiter has already been appointed to hear the application, the applicant may notify the arbiter in writing of their intention to withdraw the application via the council's CCO.

How long does it take for the PCCR to examine an application for an internal arbitration process?

As each application is different, there is no set timeframe in which the PCCR will examine an application to ensure it meets the requirements under section 144 of the LG Act.

Generally, the PCCR will acknowledge an application within 2-4 business days of receipt, after which they will commence their examination of the application. The PCCR will usually complete the examination of the application and notify the parties of the outcome within 15-20 business days.

Can a respondent to an application provide the PCCR with a response to the allegations?

No. The PCCR must examine the application in accordance with the LG Act and in doing so, must be satisfied of the matters set out under the LG Act. The LG Act does not permit the PCCR to consider any response or material from the respondent in respect of the application.

If an arbiter is appointed to hear the matter, the respondent will have the opportunity to respond to the allegations and present evidence to the arbiter during the course of the hearing.

¹⁸ Section 144A of the LG Act.

Section 2: Conducting an internal arbitration process

What happens if an arbiter is appointed to hear the application?

If an arbiter is appointed to hear the application by the PCCR, the arbiter will commence the internal arbitration process with the support and assistance of the council's CCO.

This typically involves the CCO contacting the parties on behalf of the arbiter in relation to preparation for and scheduling of the hearing.

The parties to an internal arbitration process are -

- the applicant, being an individual councillor, a group of councils, or the council, and
- the respondent, being the councillor, whose conduct is alleged to have contravened the Model Code of Conduct as set out in the application.

In the case of an application by a council or a group of councils, the councillor nominated as the representative of the council or the group, is responsible for representing the council or group in any hearings on the matter.

Internal arbitration process procedures

How the internal arbitration process is conducted is at the discretion of the arbiter, subject to certain requirements set out in the LG Act and G&I Regulations.

An arbiter may decide to hear each party to a matter in person or solely by written or electronic means of communication.¹⁹

The G&I Regulations provide that an arbiter must conduct the hearing with as little formality and technicality as the proper consideration of the matter permits and ensure that the hearing is not open to the public.²⁰ It also provides that an arbiter is not bound by the rules of evidence, like a Court, and may be informed in any manner the arbiter sees fit.²¹

Although these processes are intended to be informal, the LG Act provides that the rules of natural justice apply to an internal arbitration process.²² This means that an arbiter must allow a person to present his or her side of the story and must make decisions in an objective and unbiased way. Section 141(2)(b) expressly states that an arbiter must ensure that parties involved in internal arbitration process are given an opportunity to be heard by the arbiter.

In keeping with the low level of formality of these processes, section 141(2)(c) of the LG Act specifically states that a councillor who is a party to an internal arbitration process does not have a right to representation unless the arbiter considers that representation is necessary to ensure that the process is conducted fairly. If a councillor wishes to be legally represented on this basis, it is open to them to seek leave from the arbiter.

¹⁹ Regulation 11(3)(a) of the G&I Regulations.

²⁰ Regulation 11(2) of the G&I Regulations.

²¹ Regulation 11(3)(b) of the G&I Regulations

²² Section 141(d) of the LG Act.

What does the internal arbitration process look like in practice?

There is no standard, or 'one size fits all' approach, however a 'typical' internal arbitration process may consist of -

- an initial directions hearing conducted in person or online via MS Teams or Zoom
- written submissions and/or supporting material being provided to the arbiter by each party, and
- a hearing conducted in-person on council premises or at another venue arranged by the council.

How the arbiter decides to conduct the matter may depend on a range of factors, such as the nature and scope of the allegations, whether the alleged facts are in dispute, whether the parties intend to call witnesses, and whether the arbiter has granted leave for any of the parties to have legal representation.

Please note that arbiters typically prefer to hold hearings in-person for a number of important reasons, including the following -

- it allows the arbiter to engage with the parties more directly and immediately and enhances the ability of the arbiter to assess the credibility of evidence put forward
- it ensures procedural fairness in that consistent practices and procedures are applied to the hearing and determination of all complaints
- it ensures that the matters disclosed during the arbitration process are kept confidential and that the privacy of all parties is protected, which is more difficult to ensure in an online environment.



Parties should raise any queries or concerns about the conduct of the internal arbitration process with the arbiter via their council's CCO.

What to expect at a directions hearing

A directions hearing (if held) provides an opportunity for the arbiter to clarify how the matter will be conducted and direct the parties in preparation for the arbitration hearing.

The types of matters that may be discussed at a directions hearing include -

- what kind of information each party intends to rely on to support their case (e.g. council meeting recordings, witness lists/statements, copies of social media posts)
- how the parties should gather and present the information that supports their case
- timelines for submitting information that each party seeks to rely on at the hearing
- when and where the hearing will be held.

What to expect at a hearing

How a hearing is conducted is a matter for the arbiter and as a preliminary matter the arbiter will advise the parties on the conduct and format of the hearing and what is expected of the parties in relation to the hearing.

A hearing enables an arbiter to understand the issues in dispute and hear and weigh up relevant evidence and submissions about the issues in question. Hearings are not open to the public and all information discussed in a hearing is confidential.

A hearing will generally consist of the following people -

- the arbiter
- the applicant (or where there is more than one applicant councillor, the applicants' appointed representative)
- the respondent
- the council's CCO, and
- the transcription/recording service provider.

During the hearing the parties will be given an opportunity to present their case and evidence (including any witnesses) and also address any evidence presented by the other party. The arbiter will listen to and consider the evidence, ask the parties questions or seek clarification about matters raised, and encourage an efficient use of time.

Further, section 145A of the LG Act gives an arbiter the power to -

- request that a person (including other councillors) attend a hearing and answer questions;
- request information from the applicant, the respondent or the council, including confidential information held by the council;
- direct the applicant or respondent to attend a hearing or provide information, including confidential information.

Are the parties required to participate in the internal arbitration process?

The failure by a councillor to comply with the council's internal arbitration process constitutes serious misconduct under the LG Act. A council, a councillor, a group of councillors or the CMI can make an application under section 154 of the LG Act for a Councillor Conduct Panel to make a finding of serious misconduct. If a Councillor Conduct Panel makes a finding of serious misconduct it may impose more serious sanctions on a councillor, including suspending the councillor for up to 12 months.

Additionally, an arbiter is permitted to discontinue the hearing if -

- the arbiter considers that the applicant has not responded, or has responded inadequately, to a request for further information, or
- the applicant has failed to attend the hearing.²³

²³ Regulation 11(3)(c) of the G&I Regulations.

What sanctions can an arbiter impose after a finding of misconduct?

Generally, following the completion of the hearing, the arbiter will reserve their decision and make their determination at a later date.

If, after completing the internal arbitration process, the arbiter determines that a councillor has failed to comply with the Model Code of Conduct, the arbiter may make a finding of misconduct against the councillor.²⁴

If an arbiter has made a finding of misconduct against a councillor, the arbiter may do any one or more of the following -

- direct the councillor to make an apology in a form or manner specified by the arbiter;
- suspend the councillor from the office of councillor for a period specified by the arbiter not exceeding 3 months;
- direct that the councillor be removed from any position where the councillor represents the council for the period determined by the arbiter;
- direct that the councillor is removed from being the chair of a delegated committee for the period determined by the arbiter;
- direct a councillor to attend or undergo training or counselling specified by the arbiter;
- direct that the councillor is not to attend or participate in a council meeting specified by the arbiter that occurs after the meeting at which the decision and statement of reasons are tabled;
- direct that the councillor is ineligible to hold the office of Mayor or Deputy Mayor for a period specified by the arbiter not exceeding 12 months.²⁵

Who will receive a copy of the arbiter's decision, and will it be made public?

An arbiter is required to provide a written copy of their decision and statement of reasons to the council, the parties and the PCCR.²⁶ A copy of the arbiter's decision and statement of reasons must be tabled at the next council meeting and recorded in the minutes of that meeting.²⁷

If the arbiter's decision and statement of reasons contains any confidential information, the confidential information must be redacted from the copy of the decision tabled at the Council meeting. Confidential information is redacted by the arbiter (not the council) under subsection 147(5) of the LG Act.

The PCCR will also arrange for a copy of the decision to be published on the Department's website.

²⁴ Section 147(1) of the LG Act.

²⁵ Section 147(2) of the LG Act.

²⁶ Section 147(3) of the LG Act.

²⁷ Section 147(4) of the LG Act.

What happens if a councillor fails to comply with a sanction imposed by an arbiter?

The failure by a councillor to comply with a direction given to the councillor by an arbiter under section 147 of the LG Act constitutes serious misconduct. A council, a councillor, a group of councillors or CMI can make an application under section 154 of the LG Act for a Councillor Conduct Panel to make a finding of serious misconduct.

If a Councillor Conduct Panel makes a finding of serious misconduct it may impose more serious sanctions on a councillor, including suspending the councillor for up to 12 months.

Can the decision of an arbiter be appealed?

If a councillor is dissatisfied with an arbiter's decisions it is open to the councillor to obtain independent legal advice about their rights.

It is open to a person affected by a decision of an arbiter to seek judicial review of the decision from the Victorian Supreme Court under the *Administrative Law Act 1978*.

Appendix 1 – Model Councillor Code 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.