**APPLICATION FOR FORMATION OF COUNCILLOR CONDUCT PANEL**

*under section 154 Local Government Act 2020*

**To: Principal Councillor Conduct Registrar**

The Applicant makes application under section 154 of the *Local Government Act 2020* (the Act) for a Councillor Conduct Panel to make a finding of serious misconduct against the Respondent Councillor in relation to the matters set out in this application.

**Section A - Council information**

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| **Name of Council** |  |

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| **Contact details of Councillor Conduct Officer for the Council** | | | |
| Name |  | Telephone number |  |
| Email |  | | |

**Section B - Parties**

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| **Applicant details** | |
| Name(s)  *(Council, councillor, or councillors)* |  |
| Appointed representative  *(if application is made by a Council or group of councillors)* |  |
| Address  *(of councillor or appointed representative for service of notices by post)* |  |
| Email |  |
| Telephone number |  |

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| **Respondent details** | |
| Name |  |
| Address  *(for service of notices by post)* |  |
| Email |  |
| Telephone number |  |

**Section C - Details of Serious Misconduct alleged**

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| Note: The requirements for making an application for formation of a Councillor Conduct Panel are set out in section 154 of the Act.  If more than one ground of serious misconduct is alleged, the details for each further ground must be set out separately (using a separate Form 2 for each ground) and attached to this application  The grounds of serious misconduct are defined in section 3 of the Act and are listed in the instructions at the end of this form.  An application for a finding of serious misconduct against a Councillor that alleges that the Councillor has failed to disclose a conflict of interest may only be made by the Chief Municipal Inspector *(section 154 (4)).* | |
| 1. Ground of serious misconduct   *(section 154(6)(a))* | Please confirm that you have read the relevant instructions for Section C.1 at the end of this form |
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| 1. Date of the alleged serious misconduct   *(section 154(3) provides that an application must be made within 12 months of the alleged serious misconduct occurring)* | Please confirm that you have read the relevant instructions for Section C.2 at the end of this form |
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| 1. Circumstances, actions or inactions alleged as constituting serious misconduct   *(section 154(6)(b)(i))* |  |
| 1. Particulars of any evidence of the circumstances, actions or inactions alleged as constituting the serious misconduct   *(section 154(6)(b)(ii))* |  |

**Section D - Details of steps taken by Council to resolve the matter**

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| 1. Specify any steps taken by Council to resolve the matter and the reason why the matter was not resolved by the taking of those steps   *(section 154(6)(c)(i))* |  |
| **OR** | |
| 1. If the Council did not take any steps to resolve the matter, the reason why the Council did not take any steps to resolve the matter   *(section 154(6)(c)(ii))* |  |

**Section E - Declaration**

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| **Privacy collection statement** |
| The Principal Councillor Conduct Registrar is an officer of the Department of Government Services. The Department is committed to protecting personal information provided by you in accordance with the principles of the Victorian privacy laws.  The information you provide in this application will be used for the purposes of and in accordance with the provisions of the *Local Government Act 2020* relating to the Councillor Conduct Panel process and related processes, especially Part 6 of that Act. These purposes include (but are not limited to):   * Assessing whether your application meets the criteria set out in section 154 of the Act for the establishment of a Councillor Conduct Panel. If such a Panel is established, the information in the application will be provided to that Panel for the purposes of its hearing of the matter. * In the conduct of a Panel hearing, copies of the material may be provided to other individuals and organisations who are concerned in the matter. * If a Panel hearing proceeds to a final determination, the findings of the Panel will be published, and this may include information that you have provided. * Use by Department of Government Services officers and Local Government Inspectorate officers for related purposes under the Act. * The exercise of the powers and functions of the Minister for Local Government, such as the establishment of a Commission of Inquiry or the standing down of a councillor.   The information may also be used or disclosed as otherwise required by law, such as pursuant to a court order or under another law that requires the disclosure of the information.  Do you wish this application to be otherwise treated as confidential? Yes / No |

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| **E.1 - Declaration where application is made by a single councillor** | |
| I declare that the above information is true and correct to the best of my knowledge.  I have read and understand the privacy collection statement above.  I agree that the information I have given in this form and any attached documents may be disclosed to the Respondent Councillor.  I acknowledge that the information I have given in this form and any attached documents may be used and disclosed as outlined in the privacy collection statement above, including (but not limited) to the Council’s Councillor Conduct Officer, Department of Government Services officers and Local Government Inspectorate officers, where disclosure is reasonably necessary for purposes under the Act.  Section 160 of the Act provides that a Councillor Conduct Panel must serve a written notice of the time and place of the hearing to be conducted.  Do you consent to the electronic service of notices and other documents in accordance with the requirements of the Electronic Transactions Act 2000 at the above nominated email address? Yes / No | |
| Signature of applicant |  |
| Date |  |

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| **E.2 - Declaration where application is made by the Council** | |
| I declare that the above information is true and correct to the best of my knowledge.  I attach a certified copy of the relevant minute of the Council’s resolution to make this application and appointing me as the appointed representative.  I have read and understand the privacy collection statement above.  I agree that the information I have given in this form and any attached documents may be disclosed to the Respondent Councillor.  I acknowledge that the information I have given in this form and any attached documents may be used and disclosed as outlined in the privacy collection statement above, including (but not limited) to the Council’s Councillor Conduct Officer, Department of Government Services officers and Local Government Inspectorate officers, where disclosure is reasonably necessary for purposes under the Act.  Section 160 of the Act provides that a Councillor Conduct Panel must serve a written notice of the time and place of the hearing to be conducted.  Do you consent to the electronic service of notices and other documents in accordance with the requirements of the Electronic Transactions Act 2000 at the above nominated email address? Yes / No | |
| Signature of appointed representative |  |
| Date |  |

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| **E.3 - Declaration where application is made by a group of councillors** | |
| I declare that the above information is true and correct to the best of my knowledge.  I have accepted appointment as the appointed representative for the purposes of this application by the group of councillors listed below.  I have read and understand the privacy collection statement above.  I agree that the information I have given in this form and any attached documents may be disclosed to the Respondent Councillor.  I acknowledge that the information I have given in this form and any attached documents may be used and disclosed as outlined in the privacy collection statement above, including (but not limited) to the Council’s Councillor Conduct Officer, Department of Government Services officers and Local Government Inspectorate officers, where disclosure is reasonably necessary for purposes under the Act.  Section 160 of the Act provides that a Councillor Conduct Panel must serve a written notice of the time and place of the hearing to be conducted.  Do you consent to the electronic service of notices and other documents in accordance with the requirements of the Electronic Transactions Act 2000 at the above nominated email address? Yes / No | |
| Signature of appointed representative |  |
| Date |  |

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| I / we declare that the above information is true and correct to the best of my / our knowledge.  I / we confirm that I / we have appointed the Councillor identified in Section A to be the appointed representative for the purposes of this application.  I / we have read and understand the privacy collection statement above.  I /we acknowledge that the information I have given in this form and any attached documents may be disclosed to the Respondent Councillor.  I /we agree that the information I / we have given in this form and any attached documents may be used and disclosed as outlined in the privacy collection statement above, including (but not limited) to the Council’s Councillor Conduct Officer, Department of Government Services officers and Local Government Inspectorate officers, where disclosure is reasonably necessary for purposes under the Act. | | |
| Name of Councillor | Signature of Councillor | Date |
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| **Instructions for completing Form 1** |
| **Section C.1 - Ground for application**  The information provided at Section C.1 of the form must specify a ground of serious misconduct as defined in the *Local Government Act 2020*.  ***Serious misconduct***  Section 3 of the *Local Government Act 2020* provides that:  *“****serious misconduct*** by a Councillor means any of the following—   1. the failure by a Councillor to comply with the Council's internal arbitration process; 2. the failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147; 3. the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor; 4. the failure of a Councillor to comply with a direction of a Councillor Conduct Panel; 5. 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); 6. bullying by a Councillor of another Councillor or a member of Council staff; 7. conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or a member of Council staff; 8. the disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information; 9. conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff; 10. \*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 this Act.”   Section 3 of the Local Government Act 2020 also defines key terms relating to the grounds of serious misconduct including ***bullying***, ***sexual harassment***, and ***confidential information***.  \*An application for a finding of serious misconduct against a Councillor that alleges that the Councillor has failed to disclose a conflict of interest may only be made by the Chief Municipal Inspector.  If the information provided at Section C.1 of the form does not specify one of the above grounds of serious misconduct, the application form will be returned as incomplete. |
| **Section C.2 – Date of alleged serious misconduct**  An application under section 154 of the Act must be made within 12 months of the alleged serious misconduct occurring. An application is made when it is received by the Principal Councillor Conduct Registrar.  The information provided at Section C.2 of the form must specify the date the alleged serious misconduct occurred.  Section 3 of the Act defines bullying by a Councillor to mean the Councillor repeatedly behaves unreasonably towards another Councillor or a member of Council staff and that behaviour creates a risk to the health and safety of that other Councillor or member of Council staff. An application that alleges bullying by a Councillor must specify the date of each allegation of unreasonable behaviour that is said to constitute bullying.  An application must not allege serious misconduct (and in the case of bullying, unreasonable behaviour) that occurred more than 12 months from the date the application is made. |
| **Section E.2 - Declaration where application is made by the Council**  If the application is made by the Council, a certified copy of the relevant minute of the Council’s resolution to make the application and appoint the appointed representative must be provided with the application.  If a certified copy of the relevant minute is not provided, the application form will be returned as incomplete. |
| **Lodgement of application**  This form has been provided to assist a Council or Councillor(s) with making an application under section 154 of the Act for formation of a Councillor Conduct Panel.  The use of this form is not mandatory. If an applicant chooses not to use this form, an application should be made in writing and address the requirements for an application for formation of a Councillor Conduct Panel set out in the Act.  An application under section 154 of the Act must be made to the Principal Councillor Conduct Registrar. Applications can be lodged with the Principal Councillor Conduct Registrar either:   |  |  | | --- | --- | | by email to: | [pcc.registrar@ecodev.vic.gov.au](mailto:pcc.registrar@ecodev.vic.gov.au) | | by post to: | Principal Councillor Conduct Registrar Level 8, 1 Spring Street Melbourne, VIC 3000 |   This document has been provided as a Microsoft Word document for ease of use. Final applications (including any supporting materials) are requested to be lodged as a single PDF document to assist the Principal Councillor Conduct Registrar with processing applications.  Any queries about lodging an application should be directed to the Council’s Councillor Conduct Officer in the first instance. |