

Councillor Conduct Framework - 2020-2024 Activity Summary

About the councillor conduct framework

The councillor conduct framework is established under Part 6 of the *Local Government Act 2020* (LG Act) and provides a hierarchy for the management of councillor conduct complaints to address different levels of misconduct.

Under the councillor conduct framework:

- complaints of misconduct by a councillor are heard and determined under the council's internal arbitration process (IAP) by an independent arbiter
- complaints of serious misconduct by a councillor are heard and determined by councillor conduct panels (CCP)
- allegations of gross misconduct are dealt with by the Victorian Civil and Administrative Tribunal (VCAT).

Clear standards of conduct expected to be observed by councillors are set out by the LG Act and in the Model Code of Conduct, and the conduct framework provides for timely, fair and proportionate intervention when conduct issues arise.

The Principal Councillor Conduct Registrar (PCCR) is responsible for the administration of IAP and CCP processes. One of the key functions of the PCCR is to examine IAP and CCP applications to ensure that applications meet the statutory requirements set out in the LG Act and the regulations, including that applications are made within the statutory time limit, are supported by evidence and are not frivolous, vexatious, misconceived or lacking in substance.

About this activity summary

The end of the 2020-2024 council term on 26 October 2024 marked the first four years of the councillor conduct framework operating in its current form. This summary presents high-level statistical information on the use of the IAP and CCP processes during this period.

Please note - the statistical information presented in the summary is de-identified and general in nature. This reflects that the IAP and CCP processes are confidential under the LG Act and information about individual matters only becomes available when determinations are tabled at Council meetings and published by the PCCR. Additional information and details relating to specific matters are held by councils and may not be publicly available.

The activity summary reports the data available as at 14 May 2025.

Internal Arbitration Process (IAP) Data

	2021	2022	2023	2024
Applications received	41	31	29	38
Applications rejected under section 144	11	4	8	11
Discontinued or resolved during the IAP	15	12	7	19 ¹
Heard and determined by arbiters	15	15	14	8
Findings of misconduct	5	7	11	7
Councillors suspended	1	2	5	5
Average time to complete IAP (in months)	5.5	5.5	4.5	4
Notes: 1 Includes five (5) applications which lapsed under section 147AA of the <i>Local Government Act 2020</i> .				

Key points

A total of 139 applications for findings of misconduct were made during the 2020-2024 council term.

Over the four years, approximately 1 in 4 applications were rejected by the PCCR under section 144 of the LG Act. The frequent rejection of applications highlights the importance of the PCCR's vetting function, which ensures that only applications that are supported by evidence proceed to a hearing. It also suggests a 'knowledge gap' with respect to the statutory requirements for making an application. To address this, detailed guidance material providing information to councillors about the requirements for making an application was issued by Local Government Victoria in December 2024.

The data also indicates that a high proportion of matters were discontinued or resolved during the IAP. It would appear that in some cases commencement of the IAP (i.e. a formal process) may have served as the catalyst for councillors to reach out and explore whether the issue of concern could be resolved. Other reasons why matters were discontinued included the resignation of the respondent councillor or other government intervention. In 2024, a number of applications also lapsed due to council elections.

Recent amendments to the LG Act now require every council to have in place an internal resolution procedure for dealing with alleged breaches of the Model Councillor Code of Conduct, and require the PCCR to have regard to what steps were taken by the council to resolve a matter when examining an application. Moving forward, this should result in more matters being resolved prior to an application being made and an arbiter being appointed to hear the matter.

The number of matters finalised by arbiters remained relatively consistent over the council term (14-15 annually) except in 2024 when only eight matters were finalised. The 2024 result was due in part to the suspension of matters during the council election period and to matters lapsing when councillors were not returned at the election.

The data indicates that as the council term progressed the proportion of finalised IAP applications resulting in a finding of misconduct steadily increased from 33% in 2021 to 87.5% in 2024, and that the proportion of applications leading to suspensions significantly increased over that time, from 6.7% in 2021 to 62.5% in 2024.

The data also indicates that operational performance of the IAP improved over the council term with the average resolution time decreasing from 5.5 months in 2021-2022 to 4 months in 2024.

Councillor Conduct Panel (CCP) Data

	2021	2022	2023	2024
Applications received	7	20	15	17
Applications rejected under section 155	2	7	7	14
Discontinued or resolved during the hearing process	0	7	7	3 ¹
Heard and determined by Panels	5	6	1	0
Findings of serious misconduct (or misconduct)	2 ^{2,3}	3	1	0
Councillors suspended	1	3	1	0
Average time to complete CCP (in months)	8.5	10	8.5	N/A
Notes: 1 Includes two (2) applications which lapsed under section 173 of <i>the Local Government Act 2020</i> . 2 Includes one (1) finding of misconduct made by the Panel pursuant to section 167(1)(b) of the Act. 3 Includes one (1) finding of serious misconduct subsequently set aside by VCAT on review.				

Key points

A total of 59 applications for findings of serious misconduct were made during the 2020-2024 council term.

Over the four years, just over half of the applications received were rejected by the PCCR under section 155 of the LG Act. The high proportion of applications rejected reflected the more serious and complex nature of the grounds of serious misconduct, which include bullying, sexual harassment, and disclosure of confidential information. Guidance material providing information to councillors about CCP processes and the requirements for making serious misconduct applications was issued by Local Government Victoria in December 2024.

The data shows that a high proportion of CCP matters were discontinued or resolved during the CCP hearing process. As noted in relation to IAPs, this may indicate a greater willingness by councillors to explore options for resolving matters once a formal process has been commenced.

The number of matters heard and determined by CCPs declined in 2023 and 2024, corresponding with the higher proportion of applications that were rejected by the PCCR and/or discontinued or resolved during the course of the CCP process. In 2024, the three applications for which a CCP was formed lapsed due to the council elections resulting in no matters being finalised.

Of the twelve applications heard and determined by CCPs over the four years, five applications resulted in findings of serious misconduct (one of which was set aside by VCAT on review), and one application resulted in a finding of misconduct. In all but one of the matters where a finding of serious misconduct was made, the CCP handed down a sanction that included suspension of the councillor.

The average time to complete a CCP hearing ranged from 8.5 months in 2021 and 2023 to 10 months in 2022. The longer period (compared to that for IAP hearings) reflects the more technical and complex nature of serious misconduct as well as the additional procedural requirements imposed on CCP.