

Municipal Monitors appointed to Brimbank City Council

Report to the Minister for Local Government

1. Background

1.1 Appointment

On 12 February 2024, Municipal Monitors, Janet Dore and Penelope Holloway, were appointed by the former Minister for Local Government, the Hon. Melissa Horne, to monitor governance functioning at Brimbank City Council. The appointment was for the period from 12 February to 31 December 2024.

The Terms of Reference (Attachment 1) required us to monitor the Council in relation to the following areas:

- a. councillor understanding and performance of their statutory roles and responsibilities, including in relation to confidentiality requirements;
- b. the relationships between councillors and between councillors and Council staff, including councillor behaviour with respect to the Councillor Code of Conduct and processes for resolving disputes between councillors;
- c. the Council's meeting procedures and decision-making processes, including Council briefings and meetings, the adequacy of the Council's Governance Rules, councillor adherence to the Governance Rules, and councillor attendance and participation at meetings, including meetings of the Audit and Risk Committee;
- d. the Council's processes and practices in relation to health and safety including any
- e. the adequacy of Council's community engagement policies, processes and practices; and
- f. any other matters that may be affecting the Council's ability to effectively perform, including behaviour that may be preventing the Council from performing its functions.
- g. matters that may be creating a serious risk to the health and safety of councillors, Council staff or other persons.

On 11 December 2024, the former Minister for Local Government extended the appointment of monitors until 30 June 2025 to cover the period of induction of the new Council and ensure it was prepared for a successful four-year term in office.

The updated Terms of Reference (Attachment 2) required us to monitor the Council in this second period in relation to the following areas:

- a. councillor understanding and performance of their statutory roles and responsibilities, including in relation to confidentiality requirements;
- b. the relationships between councillors and between councillors and Council staff, including councillor behaviour with respect to the Councillor Code of Conduct and processes for resolving disputes between councillors;
- c. the Council's meeting procedures and decision-making processes, including Council briefings and meetings, the adequacy of the Council's Governance Rules, councillor adherence to the

Governance Rules, and councillor attendance and participation at meetings, including meetings of the Audit and Risk Committee;

- d. the Council's processes and practices in relation to health and safety including any matters that may be creating a serious risk to the health and safety of councillors, Council staff or other persons;
- e. the adequacy of Council's community engagement policies, processes and practices; and
- f. any other matters that may be affecting the Council's ability to effectively perform, including behaviour that may be preventing the Council from performing its functions.

This report deals with each Council term separately with the Terms of Reference from the first period generally form the headings in Part 1 of this report and the Terms of Reference from the second period generally form the headings in Part 2 of this report. The report then makes overall conclusions and recommendations from both terms of office.

1.2 Context for the Brimbank City Council

Brimbank is 11 to 23 kilometres west and northwest of the Melbourne Central Business District and covers 123 square kilometres. Fifteen per cent of that area is open space, including the Organ Pipes National Park, Mount Derrimut Grasslands, Green Gully Reserve, Brimbank Park and Iramoo Wildflower Grassland Reserve.

There are five activity centres – Sunshine, St Albans, Deer Park, Sydenham and Keilor which are all thriving in different ways in diverse communities. More than 90 languages are spread across more than half the population of around 200,000 people. The top ten languages other than English are Vietnamese, Punjabi, Filipino/Tagalog, Greek, Maltese, Italian, Macedonian, Arabic, Cantonese and Croatian. Forecasts estimate the population to reach 240,00 people by 2040.

The municipality's main industries include manufacturing, retail, health, education and social services.

Brimbank City Council has eleven (11) Councillors. In 2025, the organisation, under the Chief Executive Officer, employs approximately 1000 staff and has an annual budget of approximately \$273 million.

Council elections were held in November 2024, and six new Councillors were elected to Brimbank Council, two of whom had been Councillors before (in the 2016-2020 Council Term). Five Councillors from the 2020-2024 Term were re-elected.

1.3 Monitoring Activities

During the first few months of our initial appointment in February 2024, we undertook considerable research and information-seeking to understand the issues and behaviours affecting Council's governance. This included:

- Individual face-to-face meetings with all Councillors
- Meetings with Councillors as a whole
- Numerous meetings with the Chief Executive Officer
- Individual meetings with senior executive members
- Meetings with former senior executive members, a former senior staff member and several consultants to the organisation
- Meetings with current staff, who had asked to speak to the monitors
- Attendance at all meetings involving the Mayor and Councillors including:
 - Mayor/CEO meetings

- Councillor Briefings
- Councillor only meetings
- Ordinary and Special Council meetings
- Budget preparation meetings
- Councillor development sessions
- Audit and Risk Committee meetings

We reviewed records over a three-year period, including:

- Council reports
- Email exchange records
- File notes
- Newspaper coverage and social media posts

We also met with the Local Government Inspectorate (LGI) to discuss matters relevant to the terms of reference.

In the second period of our appointment, we continued our research and information-seeking, including:

- Individual face-to-face meetings with all Councillors
- Meetings with Councillors as a whole
- Numerous meetings with the Chief Executive Officer
- Meetings with senior executive members and staff, who had asked to speak to the monitors
- Attendance at all meetings involving the Mayor and Councillors including:
 - Mayor/CEO meetings
 - Councillor Briefings
 - Councillor only meetings
 - Ordinary and Special Council meetings
 - Budget preparation meetings
 - Councillor development sessions
 - Audit and Risk Committee meetings

We also reviewed:

- Email exchange records
- Newspaper coverage and social media posts

2. Governance at the Council

Part 1 - Council Term 2020-2024

Introductory comments

In our first term, we quickly came to an understanding of the issues of concern in the Council. Interviews with all senior staff and individual Councillors were frank and revealing. Common themes emerged from interviews which can be summarised as mistrust, negative behaviour, lack of respect and baseless allegations of improper conduct. Evidence from the Council records examined (above) indicated a pattern of interactions between Councillors, and between Councillors and the CEO/Executive Directors that created

a challenging operating environment. Some Councillors made insulting, demanding and inappropriate comments and demonstrated a lack of respect for the role of the CEO as defined under section 46 of the *Local Government Act 2020* (the Act) and reinforced by the Model Councillor Code of Conduct. These issues were discussed with Councillors in confidential sessions, individually and with them as a group. Some Councillors disagreed with our concerns but were unable to provide evidence to support why they considered our concerns unfounded.

Our first Council meeting on 20 February 2024 was instructive and concerning for the following reasons:

- Public question time was extended twice from 15 minutes to 45 minutes
- Six Notices of Motion were lodged and required approximately 45 minutes of meeting time
- Officer reports requiring decisions, including planning items, were passed without debate and only required 20 minutes of the meeting to determine
- The Confidential section of the agenda was an item from a sub-committee of Councillors which made recommendations to the whole Council. No resolution eventuated from that section of the meeting because the majority of Councillors voted against the motion without there being an alternative motion proposed. This led to a Special Council Meeting having to be called to deal with the matter. We found that this was an example of poor governance.

In this first meeting, we found that a disproportionate amount of time was given to matters that were not directly relevant to the role of the Council, were not of strategic importance to the municipality and did not need to be considered during a Council meeting.

Some Councillors made comments at the end of the meeting to us that 'they knew things that we were not aware of'. Each Councillor was asked, in the course of our work, if there was any information we were not aware of, and nothing was provided to substantiate the comments. The propensity of Councillors to make comments that could suggest a problem or issue at the Council without then substantiating those comments is discussed later in this report.

The CEO was appointed in January 2022 but did not receive a performance review until March 2023 due to delays in the CEO Employment Matters Committee processes.

Detailed comments on the key issues under the Terms of Reference follow.

Councillor understanding of their roles and responsibilities

Even though it was the final year of the 2020-2024 Council's term, there appeared to be limited understanding by some councillors of their statutory role and responsibilities outlined under section 28 of the Act.

Some Councillors appeared to consistently support or promote the interests of individuals or groups in the community, without giving weight to the interests of the whole community. Many councillors seemed to see the Council meetings predominantly as a forum to promote themselves through Notices of Motion. We witnessed this at their first Council meeting as described above. The governance rules limited the ability of the CEO to manage the number of Notices of Motion (NoMs) at any one Council meeting, and thereby her ability to ensure agendas were predominantly focused on priority decision-making matters.

Some Councillors attempted to direct the CEO and other staff which is both inconsistent with the role of a Councillor and creates a risk of the Councillors engaging in conduct in breach of section 124 of the Act (directing a member of Council staff) which is an offence. We saw this evidenced by written email instructions to individual staff, which had occurred before we were appointed. We discussed these with the individual Councillors involved, but they did not appear to understand that these communications were directions which they had no authority to give. There had been no complaints made in the past alleging a

breach of the Councillor Code of Conduct, so no action had been taken. The reasons for this absence of formal complaints were complex but mainly due to perceptions by Councillors and staff of the lengthy process required.

Two formal complaints alleging breaches of the Councillor Code of Conduct were lodged by five Councillors against two other Councillors following the 2023 Mayoral election. These complaints resulted in internal arbitration processes and two formal apologies to a public Council meeting in mid-2024. One alleged breach of the Act was referred to the Local Government Inspectorate by Monitors prior to the 2024 election. No action was taken apparently because of the impending election.

Concerns about Councillor behaviour had been raised by staff with the CEO. and the CEO had taken action to protect staff by limiting contact between Councillors and staff. The CEO had taken the required management action, under the Occupational Health and Safety Act 2004 and through the Councillor and Staff Interaction protocol, including limiting Councillor communication to a number of senior staff and reminding Councillors of their roles and responsibilities. However, this did not appear to have changed the behaviour of some Councillors. She also asked Local Government Victoria for advice on concerning Councillor behaviour.

The discussion paper on the local government culture project (PWC December 2021) identified key reasons for impediments to early intervention and prevention as:

- Fear of repercussions and/or intimidation
- Lack of training and capability in interim conflict resolution
- Unclear and/or inefficient dispute resolution processes
- Cultural issues
- Lack of trust in process or outcomes

Although changes have been made by the Local Government (Governance and Integrity) Amendment Regulations 2024, the points listed above were still mentioned in discussions at Brimbank City Council by both Councillors and staff and may partly explain the reluctance to rely on internal methods of dispute resolution and of the fractious nature of interactions. This is discussed later in the report.

Councillors need to hold each other to account for their conduct. The role of the Mayor is essential in providing leadership on appropriate conduct and facilitating positive interactions between Councillors, and Councillors and staff. However, it was evident to Monitors when we arrived at Brimbank Council that the various Mayors and Councillors had failed to do this during their term to this point, which was one of the factors which led to Monitors being appointed.

Less than two months after our appointment the Minister for Local Government wrote to the Mayor requiring the Council to demonstrate their efforts to improve governance with the assistance of the monitors.

After our initial feedback to the Councillors, we had introduced and discussed a ten-point plan (Attachment 3) as a framework for understanding the role of a Councillor. This also became the basis of a Governance Action Plan which was reported to the Minister in response to their letter. Councillors generally welcomed this approach.

Councillor behaviour towards the CEO and senior members of staff

The relationships between some councillors and the CEO and senior members of staff were poor and we observed behaviours from Councillors towards staff that could be considered abusive. We saw written evidence that demonstrated that in the past, Councillors had engaged in inappropriate behaviour towards

and about staff. This included false accusations, bullying behaviour and false public statements. At the first Council meeting we attended on 20 February 2024, we witnessed false and unfounded statements made in a confidential session by some Councillors who were unable to provide evidence to substantiate those statements when asked. This behavioural pattern had, in our opinion, become established during 2022 after the appointment of a new CEO. The Governance Action Plan was aimed at reinforcing Councillor accountabilities, respecting the roles of the Mayor and CEO, and avoiding repetitions of poor behaviours towards the end of the Council Term.

Every member of staff, both present and past, interviewed by the monitors described the current CEO as a great leader, who had done a good job at transforming the organisation for the better. Past staff members indicated that they left the organisation for career reasons, but with regrets about not being able to continue to work with the CEO. Most said that their departure had been made easier because of the inappropriate behaviour of some councillors, both generally and towards them.

Despite the evidence of excellent performance by the CEO through staff feedback and independent performance assessments, in individual interviews with councillors it became clear that some did not support this assessment and that differing views among Councillors about the CEO's performance were not discussed in any helpful way. We note that the criticism of the CEO's performance by some members of the community on social media does not appear to be supported by objective evidence or any existing performance assessments.

Councillors' behaviour towards each other

The Councillors did not appear to perform well as a team to meet the best interests of the community. There was very little trust and respect shown by a significant number of Councillors towards others. In fact, some Councillors engaged in behaviour during public meetings and on social media that could be characterised as abusive towards other Councillors. Some Councillors also made statements confirming these experiences during our interviews with individual Councillors. This behaviour included unfounded accusations being made on social media, shouting, snide comments, "ambushing" behaviour in Council meetings and threats about retribution.

Every Councillor we interviewed said that the poor behaviour between Councillors was amplified in the lead-up to and after the Mayoral election in November 2023. Some Councillors had anticipated a particular outcome, however at the Council meeting, the result went a different way. This led to an altercation at the Council meeting and one Councillor walking out which was witnessed by senior staff and members of the public. After that incident, the relationships between some councillors became even more toxic, leading to several Councillor Code of Conduct complaints which created the risk of establishing long-lasting grievances between the parties. None of the complainants wished to attempt to resolve their complaints through internal dispute resolution processes before making an application for an internal arbitration process. Three other complaints were either not proceeded with or were rejected by the LGI due to insufficient substance.

Arbitration hearings were concluded on two of the complaints dealt with by the Principal Councillor Conduct Registrar (PCCR) and apologies were required to be given at a Council meeting, together with a three-week suspension for one Councillor.

The monitors understood there was one outstanding complaint to the PCCR at the end of the Council term.

Council meetings and decision-making

The Council has good written meeting procedures and Governance Rules although we believe that the section on Notices of Motion requires review. We expressed concerns about the frequent use of Notices of Motion (NoMs) to the Council group early in our tenure and NoMs became a rarity for the remainder of the Council term.

We often observed the extension of public question time from fifteen minutes up to thirty minutes, and once, as previously noted, to forty-five minutes. The number of questions over the term of Council averaged sixteen per meeting, with a range of one to fifty-three. Five per cent of the people asking questions accounted for twenty-three per cent of the total questions.

It is healthy to see interest in the community about Council matters, but the Act's community engagement principles and requirements provide a clear and strategic approach for members of the community to express and have their views and interests about Council matters considered prior to them being determined at a Council meeting.

Question time cannot be taken as representative of broad community views due to its random selection of people and topics. Therefore, the weight given to issues raised should be balanced with the plans, policies and advice available to Councillors.

Some Councillors were declaring conflicts of interest that were too broad, which meant, for example, that they took no part in discussions and decision-making about the Council's Strategic Plan. We discussed this with individual Councillors to refine their understanding of the Act's requirements, but the practice continued. The personal responsibility for the declaration of conflict lies with the individual Councillor but if applied too broadly (e.g. covering a whole class of industry) can limit the Councillor's ability to participate in Council strategic planning and decision-making, and thereby their effectiveness as a Councillor.

There is an established meeting cycle with scheduled Councillor briefings in the lead-up to Council meetings. All councillors had received training on the governance rules, including meeting procedures.

Despite this, not all Councillors attended Council meetings and briefings even though there are facilities for online attendance. We observed that some councillors did not attend key briefings which, in our opinion, may have equipped them with information that informed and improved their participation at the subsequent Council meeting. In one instance, a Councillor who did not attend a key briefing on a matter moved alternative motions that challenged the Council officers' recommendations and were in the interests of specific groups. When challenged, it became clear that the alternative motions proposed by the Councillor reflected an incomplete understanding of the Council officers' recommendations that were discussed at the briefing that the Councillor did not attend. On several occasions at public Council meetings, it was apparent to us that the officer's report had not been read diligently by a Councillor. The Governance Rules do not reference "alternative motions" rather "amendments". We found that Councillors needed additional training in the meeting processes.

We noted the volume of papers in agendas, often several hundred pages including attachments and, after discussions with Councillors and the Executive Leadership Team, suggested the provision of two versions in the Councillor portal, one with Attachments and another without.

This change enabled Councillors to rely on the officer reports which had already taken account of material in attachments, without feeling overwhelmed or burdened by the size of the document. Agendas then often comprised less than one hundred pages rather than close to one thousand, but attachments were still available if needed.

The records of attendance by Councillors at meetings show absences more frequent than just for health or carer reasons, with apologies being noted at most council meetings in the last few months of the term. For council briefings and planning sessions, some councillors did not attend and sometimes provided no apology.

We noted that Councillor attendance at the Audit and Risk Committee meetings was very poor. There was an opportunity for councillor members of the Committee to meet with the Chair and independent members informally prior to each meeting. However, no Councillors availed themselves of these opportunities. No Councillors attended the first Audit and Risk Committee meeting at which we were present. The poor attendance by Councillors at these meetings was considered to reflect a lack of interest in understanding and managing risks facing the Council. During the meeting we attended, the risk register was also updated to reflect risks to the work health and safety of senior staff due to poor Councillor behaviour. We raised lack of attendance at the Audit and Risk Committee meetings with the Councillor group and subsequently one out of two Councillors attended.

Most Councillors did not seem to understand the purpose of and procedures for notices of motion (NoMs), despite support from Council staff. NoMs covered community requests for services, calls for actions that are not the responsibility of local government and subjects that enabled councillors to ensure their individual actions were credited. The Governance Rules had been changed in 2022 so that the time for resubmitting a NoM and/or a Notice of Recission was reduced from six months to three months. The introduction of Model Governance Rules is an important initiative by LGV which could clarify valid reasons for NoMs as proposed by the monitors at Moonee Valley Council in their 2025 report to the Minister. We believe Brimbank Council should adopt the same reasons, and have recommended accordingly, rather than wait for the Model Governance Rules because it is a demonstration of commitment to the good governance framework provided to the Minister. (Attachment 4)

It is the responsibility of the CEO to prepare the agenda for Council meetings in consultation with the Mayor. The ability for Councillors to introduce NOMs outside of the process to develop the agenda often results in the consideration of matters that are misaligned with the focus of Council meetings on strategic plans and decisions. It also can extend the duration of meetings.

One of the most important responsibilities of a Council is the appointment and performance management of its CEO. If a Council does not manage these responsibilities well, it can seriously undermine the performance of the Council.

Under the Act, a part of the Mayor's role is to *"take a leadership role in ensuring the regular review of the Performance of the Chief Executive Officer"*.

We reviewed records that identified delays in convening the CEO Employment and Performance Committee to provide advice to the Council about the Key Performance Indicators for the CEO. In fact, there was no discussion initiated until nine weeks after the CEO had commenced despite strong advice from the independent adviser to the Committee. Probationary KPIs were agreed two months after commencement but we found no evidence that these KPIs were formally approved by the Council.

The Council had increased the number of Councillors on the Committee from four to seven and many discussions were conducted by email, which appeared to delay the convening of Committee meetings.

The Committee was unable to reach agreement on priorities for CEO KPIs during 2022/2023 and in July 2022 the independent adviser resigned citing lack of respect for the professional advice given.

Monitors could not find any evidence as to why the Mayor/Mayors had not ensured the reviews took place, nor was anyone interviewed able to proffer any facts about the delays except personal notes.

A new independent adviser was appointed and by February 2023, more than a year after the CEO commenced in the role, a draft CEO performance plan was agreed by the Committee. However, an alternate set of KPIs was circulated by one of the Committee members one week after the meeting. This prompted the following from the independent adviser:

“I cannot support this approach. It confuses asking a CEO to produce certain outcomes or demonstrate certain competencies with **telling a CEO how to do it!** I am disappointed that we have reached 28th February and Brimbank Council still has not provided its’ (*sic*) CEO with a coherent set of Key Performance indicators” (quoted with permission).

The performance plan with KPIs was approved at a special Council meeting on March 4, 2024, fifteen months after the CEO commenced. Performance Reviews were subsequently undertaken by the CEO Employment and Remuneration Committee, as required.

Community engagement

The Council has robust community engagement policies and processes. Community engagements seemed well organised and attended by Council staff. Councillors often did not participate in community engagement processes or only attended those which were relevant to their ward. We reminded Councillors that the requirement for them to govern in the best interests of the whole municipality would suggest that they should not limit their involvement in community events and activities to only those based in their ward.

As stated above, some Councillors believe that they were enhancing community engagement through the lodging of Notices of Motion (NoM) on a range of disparate matters which had not been accepted as priorities or were a result of community advocacy.

The Act gives responsibility to the CEO for “setting the agenda for Council meetings after consultation with the Mayor” This provision requires careful planning to further Council’s set objectives included in the strategic plans and policies adopted by Council.

We discussed this with Councillors to encourage less frequent use of NoMs and almost none were submitted after that session.

Some Councillors frequently used social media to expound their individual views about Council decisions, including where they disagreed with the decision. This could have an impact on the reputation of the Council or individual Councillors, who voted for the decision. There were also posts which, in our view, spread misinformation and contained abusive comments and which may have had the effect of bringing other councillors and even members of Council staff into disrepute. We saw several examples of these social media posts and discussed them with the Councillors concerned to discourage any further instances of this behaviour. At the time of these events, the previous Councillor Code of Conduct applied as the Model Code of Conduct was not in effect until October 2024. One Councillor used the Councillor Conduct framework to make a complaint about negative comments made in several social media posts, but because of the reluctance to use the internal dispute resolution process, for the reasons outlined earlier in this report, no further action was taken by the Councillor.

The relentless commentary about the Council through social media was generally made by a small number of people in the community and was often the subject of Councillor requests to us for advice. Our responses emphasised the importance of Councillors considering and making decisions fairly and on their merits which is supported by considering relevant information and disregarding irrelevant information. In this context, we advised that facts, information and advice from the CEO and Council staff was the primary source of relevant information for Councillors and that seeking to rely on any social media posts should be carefully considered in terms of their relevance.

We note that while there were often personal comments in social media posts about individual councillors, officers and us as the monitors, they only served as a distraction from good governance and those targeted are often best served by ignoring them.

Work Health and Safety

The Council has documented work health and safety processes and procedures. As part of their induction and in follow-up updates, the Councillors received information and training on work health and safety requirements and responsibilities. The CEO took her responsibilities under the Occupational Health and Safety Act 2004 (OHS Act) to ensure a safe workplace very seriously. Some Councillors, in our assessment, engaged in abusive and bullying behaviour to the extent that it caused mental distress to senior staff and to Councillor colleagues. Some senior staff sought medical assistance because of the bullying behaviour and took sick leave. This was recorded in documents we viewed, but no referrals were made to WorkSafe.

Councillors also advised us that they had been severely distressed by the behaviour of some of their fellow Councillors towards staff and towards themselves. This resulted in some Councillors being distressed to the extent of not attending meetings, seeking medical assistance and seeking leave from Council.

The CEO acted, in consultation with the Mayor, to meet her obligations under both the LG and OHS Acts to ensure a safe workplace for Council staff and provide support to Councillors.

Overall responsibility for workplace health and safety under the OHS Act 2004 lies with the Council as a corporation and employer of the CEO. The Local Government Act 2020 requires the CEO, on a consultative basis, to ensure a safe workplace for staff.

Councillors, as officers of the corporation, are protected under the OHS Act.

These responsibilities are an essential part of good governance which we support but the detail and complexity with two Acts and a variety of reporting requirements and relationships, lead us to make some general observations.

There are significant challenges when a CEO seeks to manage poor behaviours by Councillors toward staff or themselves. They also require a Mayor to act in conjunction with the CEO to remediate poor behaviour within the Council group and to manage behaviour in Council meetings which cross the limits of robust debate. Whilst this is a vital part of maintaining good working relationships, there are some aspects which may be improved.

The CEO has a duty to prevent and maintain a safe workplace, including all places where Council and committee meetings are held. Formal serving of a breach notice or complaint on, for example, a Councillor who is part of the employer group, raises potential difficulties for a CEO even though it is the required procedure. It is even more problematic where the Councillor is also the Mayor. This critical working relationship may be jeopardised unless the duty to report or act is prescribed or mandated. Fears of reprisals are not acceptable reasons for delaying action but are more likely to affect CEOs due to the employment situation.

Many CEOs have taken the burden on themselves to protect staff, but this is a risk to their own health and safety.

It seems particularly onerous for a CEO whose professional reputation can be affected by involvement in resolving disputed circumstances. There may be some value in further clarity on the requirement for a CEO to act so that Councillors are aware of the duty and authority of a CEO in that regard.

Despite the efforts of the Brimbank CEO to meet her obligations under the OHS Act, it was our opinion that the health and safety of Council staff and Councillors remained at serious risk because of the continuing inappropriate behaviour of some Councillors. It is also our opinion, based on individual interviews, that some Councillors felt fearful about taking any formal action although we gave information about their options for complaints (for example, referring their concerns to WorkSafe or the CMI). Unfortunately, as the end of the term of Council was only months away and, as some of the incidences cited were prior to

our appointment, we simply note that no formal action had been instigated. The Councillor Code of Conduct complaint process is considered by some Councillors onerous and lengthy as evidenced in the time taken for the complaints which led to Arbitration, covering several months.

As Monitors, we worked with the Councillors to address these concerns, through the 10 Point Plan (see below), which included:

- Understand the role of a Councillor (LGAct and Code of Conduct)
- Respect each other and staff
- Work together

Councillor Development and Action Plan

After conducting individual interviews with each Councillor, we held a group session with Councillors to brief them on our work to date and to provide feedback on our assessment of their performance, however not all Councillors attended.

Councillor development was offered by the Council in many ways, and we observed a facilitated session on “Councillors Working Together”. Although it was productive it was attended by only eight of the eleven Councillors.

We presented to Councillors a Ten Point Plan (Attachment 3) for improving governance, which formed the basis of the Action Plan submitted to the Minister for Local Government following their consideration of an interim update from the monitors.

Over the period from February to October 2024, we worked closely with Councillors to help them improve their performance. It was apparent to us that, as the Council neared the end of its term, it had made changes to improve good governance, decision-making and appropriate behaviour. However, positive and respectful behaviour and decision-making were dependent on which Councillors were present on any occasion, and less than full attendance at meetings remained an issue. At that late stage of Council’s term, it was not likely that anything further could be improved, and it would depend on the new Council elected in October 2024 to take up the lessons learned from the performance of the 2020-2024 Council.

Part 2 - Council Term 2024-2028

Prior to the 2024 local government elections, the Council’s electoral structure was reviewed by an Electoral Representation Advisory Panel (ERAP) which resulted in the current electoral structure comprising eleven single Councillor wards.

The newly elected Council comprises 6 Councillors who were not part of the 2020-2024 Council, but two of those Councillors have served on previously elected Councils. The remaining 4 councillors are first-term Councillors.

An intensive induction process was conducted over the first six months after the election including team building workshops and commitments about working together. We had reviewed and commented on the programme and noted the thorough and professional approach by the CEO and her executive team. The facilitation and conduct of these sessions were at a high standard with good participation by Councillors.

All Councillors completed the required induction training within six months after being sworn in as a Councillor.

Monitoring activities

We attended all the induction sessions and observed goodwill amongst the Councillors.

A commitment was made by Councillors to work together and help each other keep to the standard they set together at the workshop.

We conducted individual meetings with Councillors during and after the induction period and sometimes at their request.

The requirements for induction consume considerable time and energy for Councillors and staff members which could benefit from a review to identify any opportunities for improving effectiveness of delivery by using a variety of methods. Council staff are undertaking a review of the delivery of the induction program for Councillors at Brimbank but it would be helpful for LGV to collect the views of all Councils on induction program content and delivery when it undertakes its own review. The timing of the induction is not ideal being truncated between the declaration of polls in November and the Christmas and New Year break.

Councillors' understanding of their roles and responsibilities

The role of a Councillor is defined under section 28 of the Act. The oath / affirmation Councillors are required to take reinforces that Councillors are required " ... to act in the best interests of the municipal community, and "... to abide by the Model Councillor Code of Conduct." The mandatory induction training for Councillors also emphasises the importance of teamwork as an important skill for Councillors' effectiveness in their role.

These matters were emphasised throughout the induction process, particularly to learn from, and avoid, the issues that troubled the previously elected Council (2020 – 2024) which had prompted the former Minister for Local Government to appoint monitors in February 2024.

There were some instances of new Councillors not fully understanding their roles, especially in relation to operational matters within their ward. This was evidenced by directly engaging with the police on locally raised community safety concerns where Council staff were already involved in a liaison capacity, or car parking issues in new developments where some new Councillors had previously been active as a member of the community.

The role of Councillor, with its consequent obligations, is challenging and not readily understood by members of the community. We believe that public awareness of the changes to the role of Councillor in the Act is mixed. Many people still think of a Councillor as their conduit to local problem solving in the Council rather than their strategic governing role and do not understand the responsibility of the administration, through the CEO, to manage operational matters.

With the Mayor and CEO, we worked together with the Councillors concerned to explain and counsel them on appropriate ways of undertaking representative duties in accordance with the Act and the Model Councillor Code of Conduct. However, there have been continued instances of overstepping the role of Councillor into the responsibilities of the CEO. These have been brought to the attention of the Councillors concerned by the CEO.

Further thought about improving community awareness might be beneficial, either by LGV, the peak bodies (MAV and VLGA) or council representative groups such as Rural Councils Victoria. There is no incentive for Councillors to explain their role of governing for the municipality to a citizen with a discrete local issue.

The Mayor has instituted a practice of regular communication with each councillor and has provided strong advice about adherence to policies and protocols. This has reinforced team building and open

communication as outlined in the Working Together commitment and ensured respect for the role of Mayor by Councillors.

The Ten Point Plan and Action Plan adopted by the previous Council were agreed to promptly by the current Councillors in December 2024. A Councillor workshop with input from us was held on 4 February underlining the commitments made in the 10 Point Plan. The Brimbank City Council Good Governance 10-Point Action Plan was subsequently sent by the Mayor to the Minister (Attachment 4). We believe that this Action Plan should be updated with a view to regular reporting to the community and the Minister for Local Government. Each of the ten points in the Plan should be reviewed so that updated commitments can be tracked and reported. In particular, a commitment to the valid reasons for NoMs (cited earlier from Moonee Valley) should be included within the Action Plan.

Councillor behaviour towards each other and senior members of staff

The workshop on working together held during Councillor induction produced a commitment to the behaviours, values and approaches to their activities as a Council. The Mayor has ensured a copy of the working together commitment is embedded into the Council briefing agenda papers and is at each Councillor's place for Council meetings.

Discussions and debates in meetings have been respectful and in accordance with the signed commitment as well as legislative requirements.

Respect and courtesy are extended to senior staff.

Constructive relationships between Councillors require the strong application of policies by the Mayor and CEO and a continued commitment by Councillors to good governance. Continued use of the ten point plan framework is recommended as a helpful tool.

Council meetings and decision making

Meetings are well chaired by the Mayor (or the Deputy Mayor when required). Participation in debate is shared across the group and not dominated by any Councillor.

Meeting rules are adhered to, and decisions are made in a timely manner.

We also noted the comments in the final report from the monitors appointed to Moonee Valley City Council regarding past concerns expressed by both the Ombudsman and Chief Municipal Inspector about the practice of NoMs and would support the clarification by inclusion in the forthcoming Model Governance Rules.

In our discussions with the CEO, we agreed that the Model Governance Rules should offer clarity on the use of NoMs, and this report recommends accordingly. We note that until now, the Council has been restrained in using NoMs based on the induction and other training sessions, but if the Model Governance Rules are not instigated as planned before the end of this year some thought should be given to amending the existing Brimbank Governance Rules to limit the use of NoMs. We have recommended this to the Minister.

At Moonee Valley City Council the revised Governance Rules provide the ability for the CEO to reject a Notice of Motion which would:

- Otherwise be dealt with through the normal process of briefings and Council papers
- Expose Council to litigation
- Reallocate funds within Council's adopted budget
- Redirect priorities in the Council Plan
- Relate to service/operational requests by individual community members or groups

We believe this would be a helpful addition to the Model Governance Rules.

The Audit and Risk Committee has been attended by both Councillor members with strong commitment and understanding. This has been noted and welcomed by the independent chair of the Committee.

Community engagement and public discourse

Extensive community engagement was conducted in developing the Council Plan priorities, including an independent group of citizens, randomly selected by Council to discuss information provided by the CEO about prevailing issues and report back to Council. Councillors have been involved in community engagement activities as appropriate.

As mentioned in the introduction to this report, unverified comments across a range of media platforms appear to be prevalent in relation to Council matters.

The tendency for opinion-based commentary to be made by members of the community on social media channels as individuals or on behalf of groups seems to have a disproportionate influence on public opinion within our wider society generally.

Unfortunately, this can quickly result in baseless rumour and innuendo of a scurrilous nature being circulated and often targeted at Councillors, officers and community leaders. We examined many such instances and did not find anything other than opinion-based comment. However, these comments sometimes had a deleterious effect on some Councillors and officers.

A recent forum held by the Victorian Local Governance Association explored the challenges and solutions to “Civility in public life” (June 2025), concluding with five main points:

1. Abuse is rising – and becoming normalised.
2. Abuse disproportionately affects women, young people and minority communities.
3. Frontline staff are suffering too. Incivility is not limited to elected officials.
4. Culture change is critical – policy alone is not enough.
5. Our democratic future depends on getting this right.

This situation cannot be underestimated, and monitoring such comments is an onerous task; but repeated and ill-informed comment or opinion is, in our opinion, often quite destructive, negative or harmful. Negative and ill-informed comment by community members in social media continues, but Councillors have been advised not to ascribe much weight to such comments. Consideration should also be given by Council to follow up the various options for tackling inappropriate behaviour on social media including lodging a complaint to the eSafety Commissioner.

Workplace health and safety

Regular reporting to the Audit and Risk Committee and Council has not identified any current concerns.

The Working Together commitment (above) includes the building of trust and psychological safety.

Councillor development and action plan

Structured opportunities for councillor development are available to Councillors within an allocated budget although, after an intensive induction over the first six months of the term of office, there has been little need or time for further training at this stage.

Part 3 - Conclusions

It was apparent to us that the previously elected Council (2020 – 2024) struggled to ensure good governance and demonstrate appropriate behaviour in accordance with statutory requirements. The appointment of Monitors enabled these performance issues to be tackled and Council's performance, including respectful behaviour and good governance processes, improved towards the end of the Council's term. But some ill-feeling, between councillors, and sometimes directed towards senior staff, was still evident at public meetings.

In such circumstances the critical factors were the occupational health and safety of Councillors and staff, particularly the CEO, and the risks to the Council's ability to govern according to its statutory roles and responsibilities. Our recommendation for monitoring of the Council to be extended was to ensure the new Council undertook a thorough induction and learned from previous Council difficulties.

We are confident that the current Council can turn the page in the reputational history of Brimbank City Council if the commitment and approach so far is continued. This will require firm leadership by both the Mayor of the day and the CEO.

The current group of Councillors has begun the term of office with an intensive induction program, a demonstrated commitment to working together and following good governance practice. Most of the behavioural issues that were of concern in the previous Council term have not manifested to date. Issues that have arisen include understanding the role of Councillors, relationships between Councillors, respecting the role of the Mayor and inappropriate social media comments. These have been taken up with individual Councillors and the Council group, as appropriate. We believe that this new Council has the skills and the commitment to manage their own conduct in accordance with the Model Councillor Code of Conduct. But continued focus on and adherence to the Council's Good Governance Action Plan, as presented to the Minister by the Mayor, is an important sign of commitment.

We can be optimistic about this term of Council (2024 -2028) continuing good governance practices if the commitments to Working Together and to the Good Government Action Plan Framework continue. The following aspects of the Framework should be updated and reinforced as a reference point and to demonstrate the continuing commitment to good governance:

- Understanding the role of Councillor
- Relationships between Councillors
- Respecting the role of Mayor
- Appropriate advocacy and use of social media

After a substantial investment in governance improvements, we think it may be useful for the Minister to require the Council to report to the community and the Minister at regular intervals to provide assurance to the community, Council and the Minister that governance is continuing at a high standard. We have recommended accordingly.

3. Recommendations for the Minister for Local Government

That the Council:

1. Include the Moonee Valley City Council amendments to its Governance Rules that deal with Notices of Motion in an updated Good Governance Action Plan Framework.
2. Report regularly to its community and the Minister on its performance against a revised Good Governance Action Plan Framework (ten-point plan)

That the Minister:

1. Mandate valid reasons for Notices of Motion in the Model Governance Rules like the Moonee Valley Council amendments recommended by Monitors.
2. Consider any reviews of induction delivery by Councils (such as the Brimbank review) when commencing an LGV review.
3. Explore with peak bodies and the sector generally the potential for improving community understanding of the role of Councillors and the responsibilities of Councils.
4. Consider mandating the duty of CEOs to report breaches of the OHS Act 2024 and the LG Act 2020

Janet Dore
Municipal Monitor

Penelope Holloway
Municipal Monitor

ATTACHMENT 1

TERMS OF REFERENCE OF APPOINTMENT OF THE MUNICIPAL MONITORS TO BRIMBANK CITY COUNCIL APPOINTED UNDER SECTION 179 OF THE LOCAL GOVERNMENT ACT 2020

Without limiting the Municipal Monitors' functions and powers under sections 180 and 181, respectively, of the Act, the Municipal Monitors are:

1. To monitor the Brimbank City Council's {Council} governance functioning, with specific regard to the following matters-
 - a. Councillor understanding and performance of their statutory roles and responsibilities, including in relation to confidentiality requirements;
 - b. the relationships between councillors and between councillors and Council staff, including councillor behaviour with respect to the Councillor Code of Conduct and processes for resolving disputes between councillors;
 - c. the Council's meeting procedures and decision-making processes, including Council briefings and meetings, the adequacy of the Council's Governance Rules, councillor adherence to the Governance Rules, and councillor attendance and participation at meetings, including meetings of the Audit and Risk Committee;
 - d. the Council's processes and practices in relation to health and safety including any matters that may be creating a serious risk to the health and safety of councillors, Council staff or other persons;
 - e. the adequacy of Council's community engagement policies, processes and practices; and
 - f. any other matters that may be affecting the Council's ability to effectively perform, including behaviour that may be preventing the Council from performing its functions.
2. To identify the underlying causes of any issues affecting the ability of the Council and / or individual councillors to properly perform their statutory roles, with specific regard to the matters raised in clause 1.
3. To report to the Minister for local Government, with respect to the matters in clause 1, on:
 - a. any steps or actions taken by the Council to improve its governance and the effectiveness of those steps or actions;
 - b. any recommendations for the Council to ensure the proper performance of its statutory role, including in relation to the conduct of councillors; and
 - c. any recommendations in relation to the exercise of any Ministerial power under the Act.
4. To assist the Council to develop an Action Plan and progress updates for any necessary governance improvements, with specific regard to the matters raised in clauses 1 - 3.

ATTACHMENT 2

TERMS OF REFERENCE OF APPOINTMENT OF THE MUNICIPAL MONITORS TO BRIMBANK CITY COUNCIL APPOINTED UNDER SECTION 179 OF THE LOCAL GOVERNMENT ACT 2020

Without limiting the Municipal Monitors' functions and powers under sections 180 and 181, respectively, of the Act, the Municipal Monitors are:

1. To monitor the Brimbank City Council's (Council) governance functioning, with specific regard to the following matters—
 - a. councillor understanding and performance of their statutory roles and responsibilities, including in relation to confidentiality requirements;
 - b. the relationships between councillors and between councillors and Council staff, including councillor behaviour with respect to the Councillor Code of Conduct and processes for resolving disputes between councillors;
 - c. the Council's meeting procedures and decision-making processes, including Council briefings and meetings, the adequacy of the Council's Governance Rules, councillor adherence to the Governance Rules, and councillor attendance and participation at meetings, including meetings of the Audit and Risk Committee;
 - d. the Council's processes and practices in relation to health and safety including any matters that may be creating a serious risk to the health and safety of councillors, Council staff or other persons;
 - e. the adequacy of Council's community engagement policies, processes and practices; and
 - f. any other matters that may be affecting the Council's ability to effectively perform, including behaviour that may be preventing the Council from performing its functions.
2. To identify the underlying causes of any issues affecting the ability of the Council and / or individual councillors to properly perform their statutory roles, with specific regard to the matters raised in clause 1.
3. To report to the Minister for local Government, with respect to the matters in clause 1, on:
 - a. any steps or actions taken by the Council to improve its governance and the effectiveness of those steps or actions;
 - b. any recommendations for the Council to ensure the proper performance of its statutory role, including in relation to the conduct of councillors; and
 - c. any recommendations in relation to the exercise of any Ministerial power under the Act.
4. To assist the Council to develop an Action Plan and progress updates for any necessary governance improvements, with specific regard to the matters raised in clauses 1 - 3.

ATTACHMENT 3

MUNICIPAL MONITOR 10 POINT PLAN

1. Understand the role of a Councillor (LG Act & Code)
2. Understand the role of the CEO (LG Act)
3. Understand governance rules
4. Read agendas and briefing materials
5. Respect each other and staff
6. Avoid last minute input
7. Maintain strategic outlook
8. Understand Council policies
9. Keep out of operational issues
10. Work together

ATTACHMENT 4

Brimbank City Council Good Governance 10 Point Action Plan – February 2025



Ten Point Plan	Commitment	Status Update – February 2025	Target Completion Date
1. <i>Understand the role of a Councillor (Local Gov. Act and Code of Conduct)</i>	Council commits to understanding the role of a Councillor as defined in the Local Government Act, adhering to the Councillor Code of Conduct and calling out any behaviour that conflicts with the Code of Conduct. Council will do this by attending and revisiting training sessions on the Local Government Act and Code of Conduct, revisiting the 'Working Together' workshop outcomes and active participation and evidence based decision making.	Induction pack provided to all Councillors on commencement Working Together Workshop held on 14 November 2024 and outcomes circulated. Follow up check-in workshop on Working Together held on 24 February 2025 Governance and Code of Conduct training held with Maddocks on 18 November 2024 Social media training on 3 February 2025. 1:2 meetings with Councillors and Monitors Completed mandatory candidate training prior to the election Councillor induction completed	Completed Completed Completed Completed Completed Completed Completed

Ten Point Plan	Commitment	Status Update – February 2025	Target Completion Date
		with Councillors confirming that they have met the mandatory requirements. Engage with officers to seek evidence based advice Councillors engage informally to develop relationships and connections	Ongoing Monthly
2. <i>Understand the role of the Chief Executive Officer (CEO)</i>	Council commits to understanding and complying with the roles and responsibilities of the CEO as outlined in section 94 of the Local Government Act, utilise the CEO as a source of knowledge, respectfully communicate with the CEO, respect operational boundaries and avoid interfering in operational matters. Council will do this by taking personal responsibility for understanding the role of a CEO as outlined in the Local Government Act, build positive relationships based on mutual respect. Seek advice from the CEO and Directors and seek advice and guidance from the independent advisor to the CEO Performance Committee.	Completed mandatory candidate training prior to the election CEO invited opportunities to meet with Councillors and Councillors are taking up these opportunities as needed.	Completed before September 2024 Ongoing
3. <i>Understand the Governance Rules</i>	Council commits to ensuring a thorough understanding of the Governance Rules, avoiding using Notices of Motion for self-promotion,	Governance induction training held on 18 November 2024 and Council Meeting procedure on 3	Completed

Ten Point Plan	Commitment	Status Update – February 2025	Target Completion Date
	promptly and respectfully seeking clarification for the Rules and giving officers enough time to answer questions comprehensively. Council will do this by attending and revisiting training sessions and workshops on the Governance Rules, engaging in discussions to clarify Governance Rules and seeking feedback from officers early to inform decision-making.	December 2024. Debrief at the end of Council Meetings to reflect and provide feedback Seek clarity when unclear from Councillor colleagues and officers Governance refresher to be scheduled annually	Ongoing Ongoing Annually
4. <i>Read agendas and briefing materials</i>	Council commits to reading all agendas and briefing materials before meetings, preparing adequately for meetings and asking informed questions in advance. Council will do this by allocating time to review agendas and briefing materials, seeking clarification in advance of meetings to ensure thorough understanding.	Attendance at briefings: - 25 November – 9/11 - 26 November – 9/11 - 3 December – 8/11 - 4 February – 11/11 - 11 February - 10/11 Attendance at Council Meeting: - 10 December – 11/11 - 18 February - 10/11 Attendance at ARC: - 2/2 Councillors attended ARC meetings (x 2) Councillors completed all	Ongoing Completed

Ten Point Plan	Commitment	Status Update – February 2025	Target Completion Date
		mandatory training prior to mid-March Councillors to provide feedback on ways that information is presented to support good decision making	Ongoing
5. <i>Respect each other and staff</i>	Council commits to acting in accordance with the Councillor Code of Conduct, respecting peers and Council staff, making decisions in the best interest of the community, and addressing disrespectful behaviour in a respectful manner. Council will do this by fostering a safe environment of mutual respect and open communication for Councillors and staff, revisiting the "Working Together" workshop outcomes and seeking to resolve differences informally and early.	Workshop on Working Together held on 14 November 2024 and outcomes circulated Follow up check-in workshop scheduled held on 24 February 2025 Further Working Together Session to be scheduled mid-year OHS, sexual harassment and DEI training held on 28 January 2025 Efforts to build relationships between Councillors is evident and there is commitment to working towards shared goals. Councillors are using attendance at events to build relationships with each other, Executive and the community.	Completed Completed June / July 2025 Completed Ongoing Ongoing

Ten Point Plan	Commitment	Status Update – February 2025	Target Completion Date
		Councillors are all responsible in being pro- active in keeping channels of communication open and not to escalate matters in the first instance.	Ongoing
6. <i>Avoid last minute input</i>	Council will commit to avoiding last-minute amendments, surprises or unnecessary input during meetings, raising matters in a timely manner and seeking clarification as soon as possible. Council will do this by using structured Councillor Only Time (COT) and briefings to discuss issues in advance, seek advice from Executive and other Councillors before lodging Notices of Motion, committing to being prepared and giving officers enough time to respond to queries.	Councillor Only Time Meetings held prior to each Council Meeting and additional Tuesday from April 2025. The Mayor has been inviting reflection and feedback from Councillors at a 15 minute debrief at the end of each Council Meeting. Created an environment where Councillors can openly share with the Mayor and each other to avoid last minute surprises or input. Ask questions in advance to clarify questions or uncertainties	Ongoing Ongoing Ongoing Ongoing
7. <i>Maintain strategic outlook</i>	Council commits to focusing on the long-term strategic goals of the Council, and aligning discussions and decisions with the adopted	Council Planning Workshops held on 28 November 2024 (with 8/11 Councillors in attendance), 26	October 2025

Ten Point Plan	Commitment	Status Update – February 2025	Target Completion Date
	Council's strategic plans. Council will do this by supporting the adopted Council Plan, long-term financial plan, and other strategic documents, attending development opportunities and workshops to enhance strategic thinking, and encouraging a collective commitment to evidence-based decision-making.	February 2025 (9/11 attended) and 4 March 2025 (10/11 attended). Final Council Plan due for adoption in October Councillors to continue to educate the community where possible on the role of Councillors Ongoing	
8. <i>Understand Council policies</i>	Council commits to familiarising with and respecting Council policies, accurately representing and following Council policies in all actions. Council will do this by regularly reviewing relevant Council policies and seeking clarification when needed, take personal responsibility to increase understanding of Council policies, and promoting discussions on the positive impact of Council policies.	Pack of information provided to Councillors at commencement of the term All policies available to Councillors on the Councillor Portal. Suite of updated Governance Policies adopted at Council Meeting on 18 February 2025.	Completed Completed Completed
9. <i>Keep out of operational issues</i>	Council will commit to respecting the operational boundaries, avoiding inference in operational decisions and requesting information about operational issues. Council will do this by taking personal responsibility to understand the roles of a	New Councillor request system in place to remove the risk of Councillors getting involved in operational matters. Councillors understand and comply with the Councillor and	Completed Ongoing

Ten Point Plan	Commitment	Status Update – February 2025	Target Completion Date
	Councillor and CEO as described in the Local Government Act 2020, consulting with Directors or the CEO to determine if an issue is operational, using appropriate channels for raising operational and administrative matters, and retaining a focus on strategic objectives rather than operational details.	Staff Interaction Protocol Read the CEO updates and Councillor Information Bulletin to understand operational activity.	Ongoing
10. <i>Work together</i>	Council commits to complying with the Councillor Code of Conduct, ensuring open and respectful engagement between Councillors and the CEO, Directors, and staff as well as fostering a positive and safe work environment for all. Council will do this by revisiting the 'Working Together' workshop outcomes, governing strategically for the whole municipality and not just individual wards, and building and maintaining positive relationships with each other, the CEO and Directors.	Working Together Workshop held on 14 November 2024 and outcomes circulated. Follow up check-in workshop on working together held on 24 February 2025. Further Working Together Session to be scheduled mid-year The Mayor has been inviting reflection and feedback at a 15 minute debrief at the end of each Council Meeting. Councillors demonstrate a willingness to build relationships, respect each other and work constructively	Completed Completed June / July 2025 Ongoing Ongoing

