

COUNCILLOR INTERNAL RESOLUTION PROCEDURE

Report Author: Coordinator Governance & Integrity
Responsible Officer: Director Corporate Services
Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

The *Local Government Act 2020* (the Act) requires all Councillors to observe the Model Councillor Code of Conduct (Model Code of Conduct). The Model Code of Conduct is prescribed the *Local Government (Governance and Integrity) Regulations 2020*.

In accordance with the Act and the *Local Government (Governance and Integrity) Regulations 2020*, Council must implement and adopt an Internal Resolution Procedure (IRP), to be observed when dealing with alleged breaches of the Model Councillor Code of Conduct.

An IRP (Attachment 1) has been prepared for Council's consideration and adoption.

RECOMMENDATION

That Council adopt the Yarra Ranges Council Internal Resolution Procedure.

RELATED COUNCIL DECISIONS

During its meeting of 8 April 2025 Council adopted a Yarra Ranges Councillor Code of Conduct.

DISCUSSION

Purpose and Background

All Councillors are required to comply with the Model Councillor Code of Conduct, as outlined in Schedule 1 of the Local Government (Governance and Integrity) Regulations 2020.

The Model Code of Conduct establishes the minimum expected standards of behaviour for Councillors in the performance of their official duties. Yarra Ranges has chosen to maintain a specific Councillor Code of Conduct that is to be read in addition to the Model Code.

Disagreements between Councillors can occur in various contexts. Under section 140 of the *Local Government Act 2020* and Schedule 1A of the Governance and Integrity Regulations, Councils must adopt and implement an Internal Resolution Procedure (IRP) by 1 July 2025. This procedure is to be followed when managing alleged breaches of the Model Code.

The IRP applies specifically to situations where one councillor (the Complainant) claims that another councillor (the Respondent) has breached the Model Councillor Code of Conduct. The IRP does not relate to disputes between Council officers and Councillors.

The IRP has been prepared based on a template and advice from Maddocks Lawyers. The proposed IRP has been created to ensure the processes and procedures are lawful and based on best practice advice for the local government sector.

In accordance with section 150 of the Act, the Chief Executive Officer must also appoint a member of Council staff to be the Councillor Conduct Officer. The role of the Councillor Conduct Officer is to provide the Mayor with the administrative support necessary to arrange and conduct a conciliation. In preparation for any matters which may arise that require a Councillor Conduct Officer, an Instrument of Appointment and Authorisation is currently in force which outlines:

- Director Corporate Services is appointed to be the Councillor Conduct Officer and can perform the relevant functions under the Act.
- Manager Organisational Performance and Integrity is appointed to be the Councillor Conduct Officer, if the Director Corporate Services is absent.

FINANCIAL ANALYSIS

The financial implications of preparing the IRP, have been managed through existing operational budgets.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective in the Council Plan: High Performing Organisation.

- Provides a clear framework for both parties to a dispute with support and encouragement to resolve the dispute in a manner that enables the Councillors to move forward and maintain effective working relationships.
- Safeguards Council's reputation and integrity by establishing and maintaining high standards of behaviour for elected representatives.
- Promotes accountability and transparency in Council operations by clearly defining the expected process for dispute resolution.

RELEVANT LAW

- *Local Government Act 2020*
- *Local Government (Governance and Integrity) Regulations 2020.*

SUSTAINABILITY IMPLICATIONS

Economic Implications

There are no economic impacts resulting from the preparation and adoption of the IRP.

Social Implications

There are no impacts on any social groups resulting from the preparation and adoption of the IRP.

Environmental Implications

The preparation and adoption of the IRP does not present any environmental sustainability issues or opportunities.

COMMUNITY ENGAGEMENT

There is no legislative requirement to conduct community consultation prior to the adoption of the IRP by Council.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

No collaboration with other Councils, Governments or statutory bodies was sought. Innovation was not relevant in this case.

RISK ASSESSMENT

Adopting the IRP mitigates several risks demonstrating commitment to high ethical standards. The IRP is designed to minimise disruption of disputes to Council and individual Councillors and, where possible, avoid disputes escalating and becoming the subject of an internal arbitration.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS

1. Yarra Ranges Councillor Internal Resolution Procedure