

Authorised Version

Local Government (Governance and Integrity) Regulations 2020

S.R. No. 116/2020

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Authorised Version

STATUTORY RULES 2020

S.R. No. 116/2020

Local Government Act 2020

Local Government (Governance and Integrity) Regulations 2020

The Governor in Council makes the following Regulations:

Dated: 20 October 2020

Responsible Minister:

SHAUN LEANE
Minister for Local Government

CLAIRE CHISHOLM
Clerk of the Executive Council

1 Objective

The objective of these Regulations is to prescribe for the purposes of the **Local Government Act 2020** various matters related to governance and integrity, including the following—

- (a) the oath or affirmation of office;
- (b) Councillor induction training;
- (c) the exemptions from conflicts of interest;
- (d) the requirements for initial and biannual personal interests returns;
- (e) the internal arbitration process of a Council;
- (f) the standards of conduct;
- (g) the form of a confidentiality notice.

2 Authorising provision

These Regulations are made under section 325 of the **Local Government Act 2020**.

3 Commencement

These Regulations come into operation on 24 October 2020.

4 Definitions

In these Regulations—

audio visual link has the same meaning as in Part IIA of the **Evidence (Miscellaneous Provisions) Act 1958**;

debt does not include a debt owed—

- (a) to a family member; or
- (b) to an ADI; or
- (c) to a person whose ordinary business includes the lending of money; or
- (d) to the State or to the Commonwealth; or
- (e) in connection with the supply of ordinary household or office-related goods and services;

family member has the same meaning as in Division 2 of Part 6 of the Act;

the Act means the **Local Government Act 2020**.

5 Oath or affirmation of office

For the purposes of section 30(1) of the Act, the prescribed manner for taking the oath or affirmation of office is—

- (a) in accordance with the requirements of Part 2 of the **Oaths and Affirmations Act 2018**; and

(b) in person or, with the approval of the Chief Executive Officer, by means of an audio visual link; and

(c) in the following form—

"I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the **Local Government Act 2020** and any other Act to the best of my skill and judgement."

6 Councillor induction training

(1) For the purposes of section 32(5) of the Act, the prescribed manner for conducting Councillor induction training is—

- (a) in person; or
- (b) by electronic means.

(2) For the purposes of section 32(5) of the Act, the prescribed matters to be addressed in Councillor induction training are the following—

- (a) the role of a Councillor, a Mayor and a Deputy Mayor;
- (b) the role of a Chief Executive Officer;
- (c) any practices, protocols or policies in relation to the interaction between members of Council staff and Councillors;
- (d) the overarching governance principles and the supporting principles;
- (e) the standards of conduct;

- (f) misconduct, serious misconduct and gross misconduct;
- (g) the internal arbitration process and the Councillor Conduct Panel process under Divisions 5 and 7 of Part 6 of the Act;
- (h) engagement and reconciliation with the traditional owners of land in the municipal district of the Council;
- (i) giving effect to gender equality, diversity and inclusiveness;
- (j) any other matters relating to governance and integrity which the Chief Executive Officer has determined should be addressed.

7 Exemptions from conflict of interest requirements

- (1) For the purposes of section 129(g) of the Act, the following matters are prescribed to be exempt—
 - (a) the nomination or appointment by the Council of a Councillor to a position for which the Councillor will not be remunerated;
 - (b) the nomination or appointment by the Council of a Councillor to a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils;
 - (c) a submission by the Council to an electoral structure review under section 16 of the Act or a ward boundary review under section 17 of the Act;
 - (d) the nomination of a Councillor for election to the office of Mayor or Deputy Mayor;
 - (e) the election of a Councillor to the office of Mayor or Deputy Mayor under section 25 or 27 of the Act;

- (f) the appointment of a Councillor to the office of Acting Mayor under section 20B of the Act;
- (g) the payment of allowances to the Mayor, Deputy Mayor or Councillors as provided for under section 39(6) of the Act;
- (h) the adoption of an expenses policy by the Council under section 41 of the Act;
- (i) a decision by the Council to deal with a matter in an alternative manner under section 67 of the Act;
- (j) the establishment of a delegated committee under section 67 of the Act;
- (k) the appointment of a Councillor as a member or chairperson of a delegated committee;
- (l) the adoption, review or amendment of a Councillor Code of Conduct under section 139 or 140 of the Act;
- (m) an application for an internal arbitration process under section 143 of the Act;
- (n) an application to a Councillor Conduct Panel under section 154 of the Act;
- (o) an application to VCAT for a review of a Councillor Conduct Panel decision under section 170 of the Act;
- (p) a resolution by the Council related to a declaration under section 158(1) of the **Local Government Act 1989**;
- (q) a resolution by the Council that has the effect of making the Councillors eligible or ineligible for the superannuation guarantee under any taxation legislation;

- (r) a matter related to preparing or adopting a budget or a revised budget under Part 4 of the Act if—
 - (i) the budget or revised budget includes funding for that matter; and
 - (ii) the Council previously approved that matter and the proposed funding for that matter; and
 - (iii) a Councillor who had a conflict of interest in respect of that matter disclosed the conflict when the Council previously considered and made the decision in respect of that matter and approved the proposed funding for that matter;
- (s) a matter related to preparing or adopting a Community Vision, Council Plan, Financial Plan, Asset Plan or Revenue and Rating Plan (a *relevant document*) under Part 4 of the Act if—
 - (i) the relevant document includes that matter; and
 - (ii) the Council previously approved that matter for inclusion in a relevant document; and
 - (iii) a Councillor who had a conflict of interest in respect of that matter disclosed the conflict when the Council previously considered and made any decisions in respect of the matter;
- (t) a matter for which—
 - (i) a decision by the Council has been made under section 67 of the Act; and

- (ii) any component part of the matter in which a Councillor had a conflict of interest has been resolved; and
- (iii) the Councillor disclosed the conflict of interest when the Council previously considered that component part of the matter.

Note

Matter is defined in Division 2 of Part 6 of the Act.

- (2) For the purposes of section 129(g) of the Act, the circumstances in which a Councillor carries out a function in any of the following positions are prescribed to be exempt—
 - (a) as a representative of the Council to a Local Government Waste Forum established under the **Environment Protection Act 1970**;
 - (b) as a director of a Waste and Resource Recovery Group established under the **Environment Protection Act 1970**;
 - (c) as a member of the Country Fire Authority appointed under section 7 of the **Country Fire Authority Act 1958**;
 - (d) as a member of the governing body of a referral authority considering an application under section 56 of the **Planning and Environment Act 1987**;
 - (e) as a representative of the Council, or Councils, to the Municipal Association of Victoria or in another body that has a purpose of representing the interests of a Council or Councils;
 - (f) as an employee of the Crown or of a body established by or under any Act for a public purpose, if the Councillor has no current or

- expected future responsibilities as that employee that relate to a matter;
- (g) as a representative of the Council (with the Council's approval) to an organisation, if the Councillor receives no remuneration as that representative;
 - (h) as a member of a Planning Application Committee established under the **Planning and Environment Act 1987** or as a member or co-opted member of a subcommittee of that Committee.

Note

Matter is defined in Division 2 of Part 6 of the Act.

8 Lodging of an initial personal interests return

- (1) For the purposes of section 133(1) and (2) of the Act, the following matters are prescribed—
 - (a) the details of any corporation of which the specified person is a director or a member of the governing body, including—
 - (i) the name of the corporation; and
 - (ii) the ABN or ACN of the corporation (if applicable); and
 - (iii) the registered address of the corporation; and
 - (iv) the office held by the specified person; and
 - (v) the date of appointment of the specified person to the office; and
 - (vi) a description of the purpose or activities of the corporation;
 - (b) the details of any unincorporated association in which the specified person is a member and performs a leadership role, including—

- (i) the name of the association; and
 - (ii) the ABN of the association (if applicable); and
 - (iii) the address of the association (if applicable); and
 - (iv) the position held by the specified person; and
 - (v) the date of appointment of the specified person to the position; and
 - (vi) a description of the purpose or activities of the association;
- (c) the details of any business partnership or joint venture of which the specified person is a member, including—
- (i) a description of the purpose or activities of the partnership or joint venture; and
 - (ii) the ABN of the partnership or joint venture (if applicable);
- (d) the details of any trust of which the specified person is a trustee or a beneficiary, including—
- (i) the name of the trust; and
 - (ii) the ABN of the trust (if applicable); and
 - (iii) the types of assets held by the trust; and
 - (iv) the purpose of the trust;
- (e) subject to subregulation (3), the details of any paid employment of the specified person (other than employment with the Council) during the preceding 6 months, if the income from the employment exceeded \$10 000 or the threshold amount determined by the Secretary under subregulation (2) (whichever is greater), including—

- (i) the name of the employer; and
 - (ii) the position held by the specified person; and
 - (iii) the nature of the business or activities of the employer;
- (f) subject to subregulation (3), the details of any person or body for whom the specified person currently is, or has acted as, a consultant, contractor or agent and whose payments to the specified person exceeded \$10 000 or the threshold amount determined by the Secretary under subregulation (2) (whichever is greater) during the preceding 6 months, including—
- (i) the name of the person or body; and
 - (ii) the nature of the business or activities conducted by the specified person;
- (g) the details of any land located within the municipal district of the Council or an adjoining municipal district of which the specified person is an owner or holds a beneficial interest (other than by way of security for any debt), including—
- (i) the full address of the land as it appears on any rates notices issued by the Council; and
 - (ii) the purpose for which the land is held; and
 - (iii) the nature of the specified person's interest in the land;

- (h) if the specified person is an owner or holds a beneficial interest in any shares and—
- (i) the total value of the company does not exceed \$10 million or the threshold amount specified by the Secretary under subregulation (2) (whichever is greater); and
 - (ii) the combined total value of the specified person's shares is more than \$10 000 or the threshold amount determined by the Secretary under subregulation (2) (whichever is greater)—
- the details of the specified person's shares, including—
- (iii) the name of the company; and
 - (iv) a description of the purpose or activities of the company;
- (i) the details of any company in which the specified person, solely or jointly with any family members, holds a controlling interest (within the meaning of section 72(2) of the **Payroll Tax Act 2007**), including—
- (i) the name of the company; and
 - (ii) a description of the purpose or activities of the company; and
 - (iii) the name of any other company in which that company holds a controlling interest (within the meaning of section 72(2) of the **Payroll Tax Act 2007**);
- (j) the details of any personal debt exceeding \$10 000 or the threshold amount determined by the Secretary under subregulation (2) (whichever is greater) owed by the specified person, including the name of the creditor;

- (k) the details of any other interest which the specified person has decided to disclose on the basis that it may give rise to a general conflict of interest or a material conflict of interest within the meaning of section 127 or 128 of the Act;
 - (l) the details of the specified person submitting the return, including—
 - (i) the full name of the specified person; and
 - (ii) the name of the Council; and
 - (iii) the position held by the specified person at the Council;
 - (m) a signed statement that the information provided by the specified person is accurate and complete.
- (2) For the purposes of subregulation (1)(e), (f), (h)(i), (h)(ii) or (j), the Secretary—
- (a) may determine a threshold amount more than the relevant amount specified in each of those provisions; and
 - (b) must, as soon as practicable after making such a determination, publish in the Government Gazette a notice providing details of the relevant threshold amount for the purposes of each provision; and
 - (c) may revoke or vary a notice under this subregulation at any time.
- (3) Subregulation (1)(e) and (f) do not apply to the extent that providing details of those matters would constitute a breach of a professional or legal obligation not to disclose the information.

9 Lodging of a biannual personal interests return

- (1) For the purposes of section 134(1) of the Act, the following matters are prescribed—
- (a) the details of any corporation of which the specified person has been a director or member of the governing body at any time since the specified person lodged the preceding initial or biannual personal interests return, including—
 - (i) the name of the corporation; and
 - (ii) the ABN or ACN of the corporation (if applicable); and
 - (iii) the registered address of the corporation; and
 - (iv) the office held by the specified person; and
 - (v) the date of appointment of the specified person to the office; and
 - (vi) a description of the purpose or activities of the corporation;
 - (b) the details of any unincorporated association in which the specified person has been a member and performed a leadership role at any time since the specified person lodged the preceding initial or biannual personal interests return, including—
 - (i) the name of the association; and
 - (ii) the ABN of the association (if applicable); and
 - (iii) the address of the association (if applicable); and
 - (iv) the position held by the specified person; and

- (v) the date of appointment of the specified person to the position; and
 - (vi) a description of the purpose or activities of the association;
- (c) the details of any business partnership or joint venture of which the specified person has been a member at any time since the specified person lodged the preceding initial or biannual personal interests return, including—
- (i) a description of the purpose or activities of the partnership or joint venture; and
 - (ii) the ABN of the partnership or joint venture (if applicable);
- (d) the details of any trust of which the specified person has been a trustee or a beneficiary at any time since the specified person lodged the preceding initial or biannual personal interests return, including—
- (i) the name of the trust; and
 - (ii) the ABN of the trust (if applicable); and
 - (iii) the types of assets held by the trust; and
 - (iv) the purpose of the trust;
- (e) subject to subregulation (3), the details of any paid employment of the specified person (other than employment with the Council) since the specified person lodged the preceding initial or biannual personal interests return, if the income from the employment exceeded \$10 000 or the threshold amount determined by the Secretary under subregulation (2) (whichever is greater), including—

- (i) the name of the employer; and
 - (ii) the position held by the specified person; and
 - (iii) the nature of the business or activities of the employer;
- (f) subject to subregulation (3), the details of any person or body for whom the specified person currently is, or at any time since the specified person lodged the preceding initial or biannual personal interests return, has acted as, a consultant, contractor or agent and whose payments to the specified person exceeded \$10 000 or the threshold amount determined by the Secretary under subregulation (2) (whichever is greater), including—
- (i) the name of the person or body; and
 - (ii) the nature of the business or activities conducted by the specified person;
- (g) the details of any land located within the municipal district of the Council or an adjoining municipal district of which the specified person was an owner or held a beneficial interest (other than by way of security for a debt) at any time since the specified person lodged the preceding initial or biannual personal interests return, including—
- (i) the full address of the land as it appears on any rates notices issued by the Council; and
 - (ii) the purpose for which the land was held; and
 - (iii) the nature of the specified person's interest in the land;

- (h) if the specified person is an owner or holds a beneficial interest in any shares and—
- (i) the total value of the company does not exceed \$10 million or the threshold amount specified by the Secretary under subregulation (2) (whichever is greater); and
 - (ii) the combined total value of the specified person's shares is more than \$10 000 or the threshold amount determined by the Secretary under subregulation (2) (whichever is greater)—
- the details of the specified person's shares, including—
- (iii) the name of the company; and
 - (iv) a description of the purpose or activities of the company;
- (i) the details of any company in which the specified person, solely or jointly with any family members, held a controlling interest (within the meaning of section 72(2) of the **Payroll Tax Act 2007**) at any time since the specified person lodged the preceding initial or biannual personal interests return, including—
- (i) the name of the company; and
 - (ii) a description of the purpose or activities of the company; and
 - (iii) the name of any other company in which that company held a controlling interest (within the meaning of section 72(2) of the **Payroll Tax Act 2007**) at any time since the specified person

lodged the preceding personal interests return;

- (j) the details of any personal debt exceeding \$10 000 or the threshold amount determined by the Secretary under subregulation (2) (whichever is greater) owed by the specified person at any time since the specified person lodged the preceding initial or biannual personal interests return, including the name of the creditor;
- (k) subject to subregulation (4), the details of any gift received by the specified person, the value of which equals or exceeds \$500 or the threshold amount fixed by the Secretary under subregulation (2) (whichever is greater), including gifts in the form of goods or services and multiple gifts that together equal or exceed that amount, which was received at any time since the specified person lodged the preceding initial or biannual personal interests return, including—
 - (i) a description of the gift; and
 - (ii) the monetary value of the gift; and
 - (iii) the name of the person who gave the gift; and
 - (iv) if the gift was given on behalf of another person or body, the name of that person or body;
- (l) the details of any other interest which the specified person has decided to disclose on the basis that it may give rise to a general conflict of interest or a material conflict of interest within the meaning of section 127 or 128 of the Act;

- (m) the details of the specified person submitting the return, including—
 - (i) the full name of the specified person; and
 - (ii) the name of the Council; and
 - (iii) the position held by the specified person at the Council;
 - (n) a signed statement by the specified person that the information provided is accurate and complete.
- (2) For the purposes of subregulation (1)(e), (f), (h)(i), (h)(ii), (j) or (k), the Secretary—
- (a) may determine a threshold amount more than the relevant amount specified in each of those provisions; and
 - (b) must, as soon as practicable after making such a determination, publish in the Government Gazette a notice providing details of the relevant threshold amount for the purposes of each provision; and
 - (c) may revoke or vary a notice under this subregulation at any time.
- (3) Subregulation (1)(e) and (f) do not apply to the extent that providing details of those matters would constitute a breach of a professional or legal obligation not to disclose the information.
- (4) Subregulation (1)(k) does not apply in respect of the following—
- (a) gifts received by a specified person from a family member;
 - (b) gifts disclosed in an election campaign donation return made under section 306 of the Act;

- (c) any reasonable hospitality received by the specified person at an event or function that the person attended in an official capacity as a Councillor, Chief Executive Officer, member of Council staff or member of a delegated committee.
- (5) For the purposes of section 134(1) of the Act, the prescribed periods are—
 - (a) the period from 1 March to 31 March; and
 - (b) the period from 1 September to 30 September.

10 Public access to summary of personal interests

- (1) For the purposes of section 135(2)(b) of the Act, the following matters are prescribed—
 - (a) the name of the specified person;
 - (b) all positions held by the specified person as a Councillor, member of a delegated committee or member of Council staff;
 - (c) the date the specified person lodged the preceding personal interests return;
 - (d) a summary of the information disclosed in the specified person's preceding personal interests return, except the matters listed in subregulation (2), which contains sufficient information to identify the type and nature of the interests disclosed in the return.
- (2) For the purposes of section 135(2)(c) of the Act, the matters required to be excluded are the following—
 - (a) the monetary value or amount of any of the following—
 - (i) income;
 - (ii) shares;

- (iii) any beneficial interests other than income or shares;
- (iv) any debt;
- (b) the street address and number of any land owned by the specified person, or in which the specified person has a beneficial interest, if the land is the principal place of residence of any person;
- (c) the information which the specified person has requested in writing not to be included, but only if the Chief Executive Officer considers that including the information would—
 - (i) be reasonably likely to place the personal safety of any person at risk; or
 - (ii) unreasonably expose a business, commercial or financial undertaking to disadvantage.

11 Internal arbitration process

- (1) For the purposes of section 141(2)(a) of the Act, the prescribed processes are that—
 - (a) an application for an internal arbitration process specifies—
 - (i) the name of the Councillor alleged to have breached the standards of conduct; and
 - (ii) the clause of the standards of conduct that the Councillor is alleged to have breached; and
 - (iii) the misconduct that the Councillor is alleged to have engaged in that resulted in the breach; and

- (b) after receiving an application under section 143 of the Act, the Councillor Conduct Officer provides the application to the Councillor who is the subject of the application.
- (2) For the purposes of section 141(2)(d) of the Act, an arbiter appointed to hear a matter subject to an application under section 143 must—
 - (a) conduct the hearing with as little formality and technicality as the proper consideration of the matter permits; and
 - (b) ensure that the hearing is not open to the public.
- (3) Subject to subregulation (2), an arbiter—
 - (a) may hear each party to the matter in person or solely by written or electronic means of communication; and
 - (b) is not bound by the rules of evidence and may be informed in any manner the arbiter sees fit; and
 - (c) may at any time discontinue the hearing if the arbiter considers that—
 - (i) the application is vexatious, misconceived, frivolous or lacking in substance; or
 - (ii) the applicant has not responded, or has responded inadequately, to a request for further information.

12 Standards of conduct

For the purposes of section 139(3)(a) of the Act, the prescribed standards of conduct are the standards set out in Schedule 1 to these Regulations.

13 Confidentiality notice

For the purposes of section 193(2)(a) of the Act, the prescribed form of a confidentiality notice is the Form in Schedule 2 to these Regulations.

Schedule 1—Standards of conduct

Regulation 12

1 Treatment of others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor—

- (a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the **Equal Opportunity Act 2010**; and
- (b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- (c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- (d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

2 Performing the role of Councillor

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor—

- (a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and
- (b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and
- (c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

3 Compliance with good governance measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following—

- (a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- (b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- (c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act;
- (d) any directions of the Minister issued under section 175 of the Act.

4 Councillor must not discredit or mislead Council or public

- (1) In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.
- (2) In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

5 Standards do not limit robust political debate

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

Schedule 2—Confidentiality notice

Regulation 13

Local Government Act 2020 CONFIDENTIALITY NOTICE

To: *[insert name of person subject to confidentiality notice]*

Address: *[insert address]*

**THIS CONFIDENTIALITY NOTICE IS IMPORTANT.
PLEASE READ IT CAREFULLY.**

**FAILURE TO COMPLY WITH THIS CONFIDENTIALITY NOTICE
MAY BE AN OFFENCE.**

PENALTIES INCLUDING IMPRISONMENT MAY APPLY.

1. What is this notice?

This confidentiality notice is issued under section 193(1) of the **Local Government Act 2020** in respect of the following restricted matters:

[specify restricted matter or matters]

Because you have been given this confidentiality notice, you are not permitted to disclose the above restricted matters except as described below in the section headed '*When are you authorised to disclose information?*'.

If you disclose a restricted matter when you are not permitted to, you can face severe penalties, including up to 12 months in prison or a fine of up to 120 penalty units or both.

You should also note that additional obligations under sections 52 and 53 of the **Public Interest Disclosures Act 2012** relating to confidentiality of assessable disclosures and people who make assessable disclosures may apply to you.

2. Why have you been given this notice?

You have been given this notice because the Chief Municipal Inspector considers that your disclosure of any of the restricted matters described above would be likely to prejudice:

- * ● an investigation by the Independent Broad-based Anti-corruption Commission ("IBAC") or the Victorian Inspectorate; or
- * ● the safety or reputation of a person; or
- * ● the fair trial of a person who has been, or may be, charged with an offence.

Schedule 2—Confidentiality notice

3. When are you authorised to disclose information?

Please read this section carefully. You can **only** disclose a restricted matter in the circumstances stated below.

If a person or an organisation does not appear under 'You **can** disclose this restricted matter:' or under 'Can you disclose in any other circumstances?', then you **cannot** disclose the restricted matter to that person or organisation. For example, if 'to your spouse or domestic partner' does not appear under those headings, then you **cannot** disclose the restricted matter to your spouse or domestic partner.

<p>Restricted matter: [Specify restricted matter or matters]</p>	<p>You can disclose this restricted matter:</p> <ul style="list-style-type: none">* ✓ to your spouse or domestic partner.* ✓ to your employer or your manager or both.* ✓ to a registered health practitioner for the purpose of seeking advice or support in relation to the investigation in respect of which this notice has been issued.* ✓ to a trade union, if you are a member of that union, for the purpose of seeking advice or support in relation to the investigation in respect of which this notice has been issued.* ✓ to an employee assistance program, for the purpose of seeking advice or support in relation to the investigation in respect of which this notice has been issued.* ✓ to the Victorian WorkCover Authority for the purpose of a workers' compensation claim.* ✓ for the purpose of an application to the Fair Work Commission, including any related proceeding.
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Schedule 2—Confidentiality notice

	<p>The Chief Municipal Inspector has directed that you cannot disclose this restricted matter:</p> <ul style="list-style-type: none">* <input checked="" type="checkbox"/> to your spouse or domestic partner.* <input checked="" type="checkbox"/> to your employer or your manager.* <input checked="" type="checkbox"/> to a registered health practitioner.* <input checked="" type="checkbox"/> to a trade union.* <input checked="" type="checkbox"/> to an employee assistance program.* <input checked="" type="checkbox"/> to the Victorian WorkCover Authority for the purpose of a workers' compensation claim.* <input checked="" type="checkbox"/> for the purpose of an application to the Fair Work Commission, including any related proceeding.
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[Repeat table as necessary for any restricted matter that can be disclosed in different circumstances than above.]

Can you disclose in any other circumstances?

You are **always** permitted to disclose a restricted matter in the following circumstances—

- to the IBAC, if the IBAC:
 - referred the complaint to which the restricted matter relates to the Chief Municipal Inspector; and
 - has withdrawn that referral.
- for the purposes of making a complaint to the Victorian Inspectorate or the IBAC;
- for the purposes of complying with a witness summons served on you by the Victorian Inspectorate under the **Victorian Inspectorate Act 2011** or by the IBAC under the **Independent Broad-based Anti-corruption Commission Act 2011**;
- to Victoria Police, if—
 - the Chief Municipal Inspector has disclosed information to the Chief Commissioner of Police relating to actual or potential criminal conduct; and

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- the restricted matter is relevant to an investigation by Victoria Police of the actual or potential criminal conduct;
- if the Chief Municipal Inspector directs you or authorises you to disclose a restricted matter;
- if the disclosure is authorised or required by the **Local Government Act 2020**;
- if the disclosure is necessary for you to obtain any information, document or other thing to comply with a witness summons or a confidentiality notice, a notice cancelling a confidentiality notice or an order of the Supreme Court extending a confidentiality notice, including:
 - to an interpreter if you do not know enough English to understand the nature of the witness summons, confidentiality notice, notice cancelling the confidentiality notice or order extending the confidentiality notice;
 - to a parent, guardian or independent person if you are under the age of 18 years;
 - to an independent person, if you are illiterate or have a mental, physical or other impairment that prevents you from understanding the witness summons, confidentiality notice, notice cancelling the confidentiality notice or order extending the confidentiality notice;
- to a legal practitioner for the purposes of obtaining legal advice or representation in relation to an investigation by the Chief Municipal Inspector under the **Local Government Act 2020**, or your rights, liabilities, obligations and privileges under any of the following:
 - the **Local Government Act 2020**;
 - the **Public Interest Disclosures Act 2012**;
 - the **Independent Broad-based Anti-corruption Commission Act 2011**;
 - the **Victorian Inspectorate Act 2011**;
 - the **Ombudsman Act 1973**;
 - the Fair Work Act 2009 of the Commonwealth;
- if you are a legal practitioner, for the purposes of complying with a legal duty of disclosure or a professional obligation arising from your relationship with your client;

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- if the restricted matter disclosed is information that has been made public in accordance with the **Local Government Act 2020** or any other Act;
- if the restricted matter disclosed is information that has been published in a report by the Chief Municipal Inspector, Integrity and Oversight Committee or any of the following investigating entities:
 - the IBAC;
 - Victoria Police;
 - the Victorian Ombudsman;
 - the Victorian Inspectorate;
 - the Judicial Commission, including an investigating panel appointed by the Judicial Commission;
 - the Racing Integrity Commissioner;
 - the Information Commissioner.

Your obligations if you make a permitted disclosure

If you disclose information about a restricted matter to another person because the disclosure is permitted, you must, when making that disclosure, give that person a copy of this confidentiality notice, and any order extending this confidentiality notice, unless you have a reasonable excuse for not doing so. If you do not have a reasonable excuse, you can face severe penalties, including up to 12 months in prison or a fine of up to 120 penalty units or both.

In addition, if this confidentiality notice is replaced by a new confidentiality notice or if it is cancelled or extended, you must give a copy of the new confidentiality notice or the notice of cancellation or extension to each person to whom you have made a disclosure, unless you have a reasonable excuse for not doing so. If you do not have a reasonable excuse, you can face severe penalties, including up to 12 months in prison or a fine of up to 120 penalty units or both.

4. When does this confidentiality notice expire?

This confidentiality notice expires on the date when the first of the following events occurs:

- the Chief Municipal Inspector cancels this confidentiality notice and issues you with a new one that refers to a different restricted matter;

Schedule 2—Confidentiality notice

- the Chief Municipal Inspector cancels this confidentiality notice and issues you with a new one because the Inspector considers on reasonable grounds that disclosure of a particular restricted matter specified in the notice would no longer have the effect of prejudicing—
 - an investigation by the IBAC or the Victorian Inspectorate; or
 - the safety or reputation of a person; or
 - the fair trial of a person who has been, or may be, charged with an offence;
- the Chief Municipal Inspector cancels this confidentiality notice because the Inspector considers on reasonable grounds that disclosure of the restricted matter or restricted matters specified in the notice would no longer have the effect of prejudicing—
 - an investigation by the IBAC or the Victorian Inspectorate; or
 - the safety or reputation of a person; or
 - the fair trial of a person who has been, or may be, charged with an offence;
- unless the Supreme Court has ordered the extension of this confidentiality notice, when the Chief Municipal Inspector cancels this confidentiality notice at the conclusion of the investigation;
- if the date on which this confidentiality notice expires is extended by the Supreme Court, the date on which the period of extension expires.

5. Where can I get more information about this confidentiality notice?

A copy of the relevant law about confidentiality notices is attached to this confidentiality notice.

You can also obtain legal advice about this confidentiality notice from a legal practitioner.

[attach:

- a copy of sections 193(3) to (7), 194 and 196 of the **Local Government Act 2020** and an explanation of the effect of those provisions;
- if applicable, a copy of Part 7 of the **Public Interest Disclosures Act 2012**.]

[signature]

[name]

Local Government (Governance and Integrity) Regulations 2020
S.R. No. 116/2020

[*title*]

[*date*]

* Delete if inapplicable.

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