

COMMUNITY COMPLAINTS ABOUT COUNCILLORS POLICY

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Owner:	Customer Engagement & Communications
Responsible Director:	Corporate Performance
Relevant Legislation / Authority:	Local Government Act 2020 (Vic)
DOCSETID:	

1. PURPOSE

This policy explains how the City will handle complaints from the community about the behaviour of a councillor, in a way that is:

- fair and respectful to everyone involved,
- confidential where required,
- timely, and
- consistent with Victorian law and councillor conduct requirements.

2. BACKGROUND

The City of Greater Bendigo (the City) recognises that councillors are elected representatives who play an important role in community leadership and decision-making, and that community trust in Council depends on councillors behaving lawfully, respectfully and with integrity.

The Local Government Act 2020 (Vic) sets expectations for councils and councillors that support transparent decision-making, accountability and strong governance.

Members of the public have the right to raise concerns and make complaints about the behaviour of elected representatives. The City is committed to ensuring that complaints about

councillor conduct are managed in a way that is accessible, fair, objective, timely and transparent, and that protects the rights of both complainants and councillors. Complaints are also a form of feedback that can highlight opportunities to improve governance practices and strengthen community confidence.

Complaints about councillor conduct are managed under a distinct framework from general service complaints. Victorian Ombudsman guidance notes that the Local Government Act's general "complaints" definition relates to Council administration and services (staff/contractors/decisions), and that complaints about individual councillors are addressed through separate councillor conduct processes.

Consistent with this, this policy applies to external complaints from the community about councillors, while councillor-to-councillor disputes and councillor-to-staff disputes are managed through the dispute resolution mechanisms established under the Local Government Act and Model Councillor Code of Conduct.

3. SCOPE

This policy covers

Complaints from community members about a councillor's conduct or behaviour (for example: disrespectful conduct, bullying, harassment, misuse of confidential information, or other behaviour that may breach councillor conduct standards).

This policy does not cover

- Disputes between councillors, or between councillors and City staff. Those are managed through the dispute resolution procedures in the councillor conduct framework (for example, direct negotiation, mediation, or internal processes).
- Complaints about Council services, decisions, contractors, or staff. Those are handled under Council's general complaints process (and are a different kind of "complaint" under the Act).

4. DEFINITIONS

Complainant

A person or group who makes a complaint about the conduct or behaviour of a councillor.

Complaint

An expression of dissatisfaction about the conduct, behaviour or actions of a councillor, where a response, assessment or action is explicitly or implicitly expected.

Councillor

A person elected to the City of Greater Bendigo Council under the *Local Government Act 2020 (Vic)*.

Councillor Conduct Panel

A panel established under the *Local Government Act 2020 (Vic)* to hear and determine allegations of serious misconduct by a councillor.

Internal Arbitration

A formal process under the *Local Government Act 2020 (Vic)* for considering allegations of misconduct by a councillor. An independent arbiter determines whether a breach of the Model Councillor Code of Conduct has occurred.

Misconduct

Conduct by a councillor that breaches the Model Councillor Code of Conduct and is classified as misconduct under the *Local Government Act 2020 (Vic)*.

Model Councillor Code of Conduct

The code of conduct adopted by Council under the *Local Government Act 2020 (Vic)* that sets standards of behaviour and conduct expected of councillors.

Serious Misconduct

Conduct by a councillor that is prescribed as serious misconduct under the *Local Government Act 2020 (Vic)*, including repeated misconduct or specified forms of behaviour such as bullying, sexual harassment, misuse of position, or unauthorised disclosure of confidential information.

Vexatious Complaint

A complaint made without sufficient grounds and primarily intended to cause annoyance, harm, disruption or detriment rather than to genuinely raise a concern.

Victorian Civil and Administrative Tribunal (VCAT)

The independent tribunal that may review certain decisions made under the councillor conduct framework where provided for by legislation.

Victorian Ombudsman

An independent statutory officer who investigates complaints about Victorian public sector organisations, including councils, and promotes fair administrative practices.

5. PRINCIPLES

This City's approach reflects good practice complaint-handling principles, including:

- commitment to resolving complaints,
- accessibility,
- transparency,
- objectivity and fairness,
- confidentiality,
- accountability, and
- continuous improvement.

6. POLICY

How to make a complaint

You can lodge a complaint in the way that suits you - by phone, email, online, in person, or by mail. The City will accept complaints through multiple channels and provide help where needed (interpreter, advocate, accessibility support).

You can lodge your concern via the following channels:

Email: requests@bendigo.vic.gov.au

Online: www.bendigo.vic.gov.au

Phone: 1300 002 642

In person: GovHub (Galkangu) 189 – 229 Lyttleton Terrace, Bendigo

Mail: PO Box 733, Bendigo VIC 3552

Anonymous complaints: Anonymous complaints can be considered if there is enough information to understand the concern and assess it.

What happens after you complain (the process)

Step 1 - Receive and record

Any councillor or City staff member may be the first person to receive your complaint.

All complaints about councillors are referred immediately to the Customer Engagement & Communications Team, which:

- records the details (what happened, when/where, who is involved, desired outcome if known) and stores the record securely in City systems.

Step 2 - Initial assessment

The Governance and Integrity Unit undertakes a preliminary check to confirm:

- it is a councillor conduct complaint (not a service request),
- enough information is provided, and
- whether it appears frivolous/vexatious or lacks substance.

The complaint is then assessed by:

- the Mayor, in consultation with the CEO, or the Deputy Mayor (with the CEO) if the complaint is about the Mayor.

At this stage Council decides the right pathway:

- Informal resolution (where appropriate), or
- Internal investigation, or

Refer for councillor conduct processes if there appears to be evidence of:

- Misconduct (a breach of the Model Councillor Code of Conduct), or
- Serious misconduct (higher-level conduct issues, including repeated misconduct or defined serious conduct types).

Why this matters: Under Victoria's councillor conduct framework, internal arbitration deals with alleged misconduct (breaches of the Model Code) and is conducted by an independent arbiter appointed through the Principal Councillor Conduct Registrar process.

Step 3 - Acknowledge (3 working days)

We will write to you to confirm:

- what we received,
- what we understand the complaint to be,
- who your contact person is,
- the steps we will follow, and
- our target timeframe (generally 28 days for an internal investigation outcome, external investigations may take considerably longer and is at the discretion of arbiters and conduct panels).

Step 4 - Notify the councillor and provide support

The Mayor notifies the councillor who is the subject of the complaint.

The CEO (and/or Governance) offers the councillor information about:

- record keeping,
- the process,
- rights and responsibilities.

Investigation pathways (what “investigation” can look like)

Pathway A - Informal resolution (where suitable)

Where appropriate, Council may try to resolve the issue early (for example by clarifying facts, encouraging respectful engagement, or addressing misunderstandings). This is only used if it is fair and suitable and does not prevent escalation if needed.

Pathway B - Internal investigation (Council-managed)

The policy provides for an internal investigation (historically via a councillor group/forum excluding the subject councillor). Council will:

- gather relevant information,
- consider the complaint on the facts, and
- make a finding (upheld/partly upheld/not upheld).

Outcome notice: you receive the outcome in writing within 28 days (where practicable).

Pathway C - Misconduct: internal arbitration

If the matter appears to involve misconduct (breach of the Model Councillor Code of Conduct), it may be escalated to internal arbitration under the councillor conduct framework.

An independent arbiter hears the misconduct allegation.

Who can apply: a council (by resolution), a councillor, or a group of councillors. Community members cannot lodge the formal arbitration application themselves, but they can raise concerns with the Mayor or councillors for consideration.

There are strict requirements, including a 12-month time limit from when the alleged misconduct occurred.

Pathway D - Serious misconduct: Councillor Conduct Panel

If the complaint indicates serious misconduct, it may be escalated to a Councillor Conduct Panel process.

Serious misconduct includes, for example, bullying, sexual harassment, disclosing confidential information, directing staff, and repeated misconduct after a prior finding.

External councillor conduct processes, including internal arbitration and Councillor Conduct Panel proceedings, are conducted confidentially, with hearings not open to the public and information associated with these processes treated as confidential in accordance with the Local Government Act 2020 (Vic), except where disclosure is authorised by law or a Panel determines otherwise

7) Review options (if you are not satisfied)

Internal review (two types)

Review of the investigation outcome

If you are affected by the decision, you can request an internal review.

Review if we miss timeframes

If the matter is managed through an internal Council process and the complaint is not resolved within 28 days, it must be formally reviewed. In these circumstances, the complainant will be provided with an update explaining the reason for the delay and advised of when the matter is expected to be completed.

External review (VCAT – Panel decisions)

If a Councillor Conduct Panel decides, a person affected may apply to VCAT for review (as provided for in the councillor conduct framework).

8) What you will hear from us (communications)

Within 3 working days (acknowledgement)

We will confirm receipt and explain:

- what we understand the complaint to be,
- timeframe targets,
- who to contact, and
- what happens if it takes longer than expected.

At the end we will tell you:

- whether the complaint was upheld / partly upheld / not upheld,
- any improvements Council will make (where relevant),

- whether the matter has been escalated, and
- how to escalate if you disagree with the outcome.

9) Confidentiality and privacy

Council treats councillor complaints as confidential and limits sharing to a need-to-know basis.

We will:

- use information only for handling the complaint,
- share only what is necessary with relevant people, and
- report publicly only in de-identified form (so individuals are not identifiable).

10) Record-keeping

All councillor complaints are:

- logged in Council's customer request system, and
- stored in the document management system with appropriate security

11) Reporting (clear processes and what will be reported)

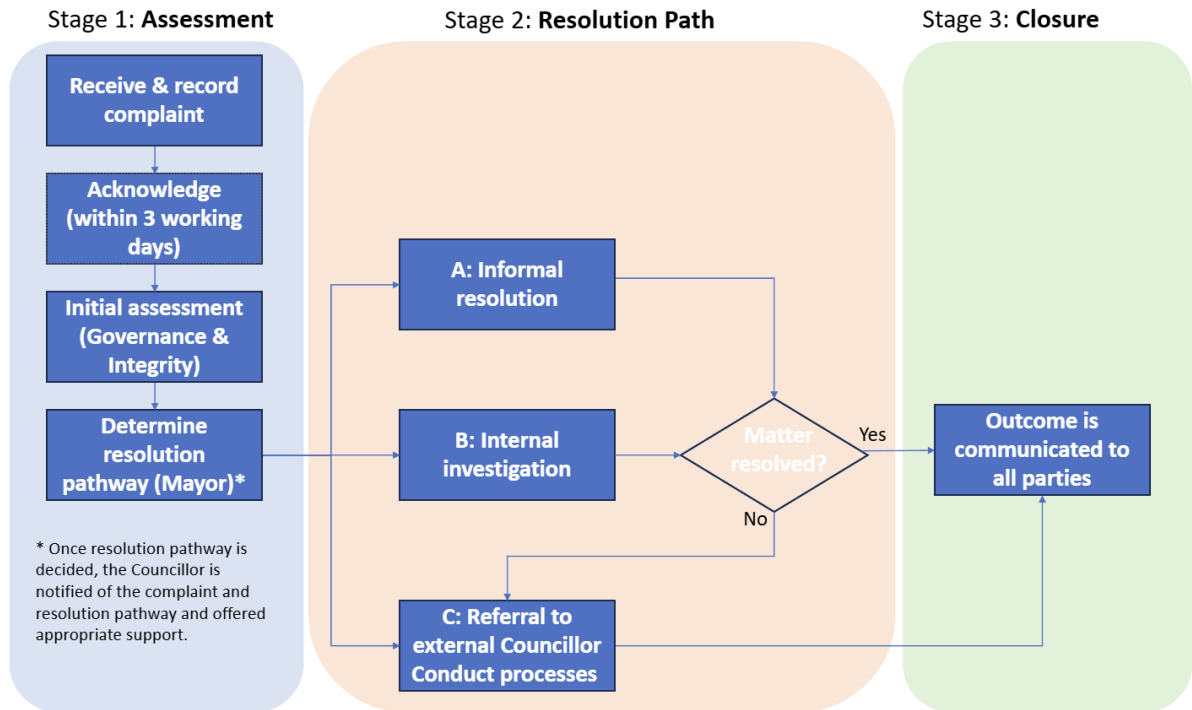
Internal reporting (governance oversight)

The Governance & Integrity Unit monitors complaint handling performance and trends, including:

- number of councillor complaints received,
- how many proceed past initial assessment,
- how many are resolved informally vs investigated,
- how many are escalated as misconduct/serious misconduct pathways,
- outcomes (upheld/partly upheld/not upheld),
- timeframes (acknowledgement, outcome, review),
- and improvements made (policy/process/service changes).

Public reporting (de-identified)

Council may publish aggregated and de-identified information about councillor complaints to support transparency and continuous improvement, consistent with good practice guidance.



7. ROLES AND RESPONSIBILITIES

Customer Engagement & Communications Unit

- receives and records all councillor complaints,
- manages acknowledgements and timeframes,

Governance and Integrity Unit

- supports the Mayor/Deputy Mayor and CEO with process steps,
- maintains secure records and reporting.

Mayor / Deputy Mayor

- leads the initial assessment (with CEO support),
- ensures the process is fair and confidential,
- notifies the councillor who is subject of the complaint.

CEO

- supports Mayor/Deputy Mayor in assessments,
- provides guidance to the councillor who is subject of complaint,
- supports investigation processes as needed.

Councillors and staff (first point of contact)

- must refer councillor complaints immediately to the Governance & Integrity Unit,
- must not try to run parallel processes outside this framework.

8. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

- *Integrity Policy*
- *Model Code of Conduct – Local Government Act (2020)*
- *Councillors Social Media Policy*

Further information or advice on this policy should be directed to Manager - Customer Engagement & Communications.

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a city unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of ELT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>Month, year</i>	<i>Insert initials</i>	<i>Business unit</i>	<i>Develop, Review (significant), Review (administrative), Update</i>	<i>Increase version number each time the document is updated / changed</i>	<i>Month, year</i>