



Interviews: Information for persons of interest

This fact sheet tells you what you need to know if we believe you may have committed a breach of the *Local Government Act 2020* and we invite you to attend an interview.

About us

The Local Government Inspectorate is the dedicated integrity agency for Victorian councils.

We are responsible for investigating breaches of the Act and any matter relating to a council's operations, including electoral matters.¹

Interviews

Interviews are a key component of our investigations. They enable us to obtain information from people who have personal knowledge of an event under investigation.

The aim of an interview is to gather as much relevant information as possible to assist with determining the truth of a matter.

Voluntary interviews under caution

If we believe you may have committed a breach of the Act, we will invite you to attend an interview under caution.

We will call you to discuss this and send you a letter outlining why we think you may have breached the Act, together with information about the interview process.

Interviews under caution are voluntary. This means you:

- choose whether to attend
- can leave at any time
- do not have to come back for another interview.

An interview gives you the opportunity to provide us with your version of events and any other relevant information.

Caution and your rights

An interview under caution means you will be read a caution at the start of the interview. You will be told that you are not obliged to say or do anything, but anything you do say or do may be used in evidence against you if the matter goes to court.

The caution is used to ensure that you understand that you do not have to answer questions during the interview. However, if you chose to answer the questions then your answers may be used as evidence in any future court hearing or in determining the outcome of an investigation.

You will also be read your rights. You will be told you may communicate with a friend or relative, a legal practitioner, and – if you are not an Australian citizen or permanent resident in Australia – with the consular office of the country of which you are a citizen.

If you wish to exercise any of these rights this provides an opportunity to do so.

Our powers

Even though the interview is voluntary, the law gives us a range of powers that we can use at any stage of the investigation.

Our powers include:

- requiring people and organisations to give us material or information we ask for – even if it is confidential²
- requiring people to give all reasonable assistance (such as submit to an interview) during an examination or investigation
- requiring people to be examined under oath or affirmation
- to make an application to the Supreme Court to order a witness to answer questions or provide material relevant to an investigation or review.

¹ A breach is a failure to comply with the requirements of the Act. An offence is a breach of the Act which carries a penalty such as a fine or term of imprisonment.

² This material may be written documents, photographs or witness accounts.

Under the Act, it is an offence and you may be prosecuted if you:

- fail to provide information or reasonable assistance when required by the Chief Municipal Inspector, without a reasonable excuse
- knowingly give false or misleading information to the Chief Municipal Inspector.

What to expect

You will be interviewed by two Municipal Inspectors, who will introduce themselves to you.

The Inspectors will explain to you why the interview is taking place and how the interview will be conducted.

They will put the allegations to you of why they believe you may have breached the Act.

They will then ask questions to obtain relevant information from you. The Inspectors will take notes as the interview occurs.

You will also be given the opportunity to ask questions and provide any further relevant information for consideration.

If you choose to attend, you can ask to take a break at any time or to stop the interview and resume it on another day.

Who to bring with you

You can bring someone into the interview with you. This can be a lawyer or a support person such as a colleague, friend, or union representative. An interpreter may also attend.

We will ask you to tell us prior to the interview who will be attending with you.

The support person must not be a person of interest or potential witness in the investigation. If we hold concerns about the person you intend to bring with you, we will ask you to find another suitable support person.

Your lawyer or support person must not answer questions for you. However, you may ask to suspend the interview to seek advice or guidance from your lawyer or support person.

The benefits of having a support person include providing emotional support, taking notes, recognising if you need a break from the interview, helping you with understanding the process, and de-briefing with you after the interview.

What to bring with you

You should bring any documents that you think may help with the investigation, for example, a diary, hand-written notes, text messages, or emails.

You may also wish to bring a pen and notepad to make your own notes.

The venue

We are happy to work with you to find a time and place that suits us and you. Interviews may take place at our offices, or we can travel to you and meet at a suitable location such as council offices.

We may also conduct interviews by video or telephone where appropriate.

We will accommodate any special requirements that you have such as the need for an interpreter, specific access needs, or sight or hearing difficulties.

Recording of the interview

The interview will be digitally recorded and you will be given a copy of the recording within seven days of the interview.

Further support

If you are a suspect in relation to an Inspectorate investigation, there are supports available to you.

Your employer may offer a counselling or support service. You are also entitled to access our independent Employee Wellbeing and Support service on 1300 687 327.

You can read our Witness Welfare Policy on our website:

www.lgi.vic.gov.au/local-government-inspectorate-policies-and-registers