



Interviews: Information for witnesses

This fact sheet tells you what you need to do if we ask to interview you as a witness because you hold information relevant to a matter we are investigating.

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

Our powers

The law gives us a range of powers to allow us to conduct investigations into council matters.

Our powers include:

- requiring people and organisations to give us with 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 interviewed 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.

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.

Witnesses

If we believe you have witnessed a matter we are investigating, or if you believe you have witnessed a possible breach of the Act, you are a potential witness.

We have different ways of dealing with witnesses:

- We may speak to you on an informal basis.
- You may agree to attend an interview.
- You may be compelled to attend for examination under oath or affirmation.

Informal discussions

A Municipal Inspector may ask to speak with you over the phone or in person as part of their information gathering process for an investigation. They will take notes of the discussions.

Voluntary interview

A Municipal Inspector may invite you to attend an interview, or you may prefer to attend one instead of speaking more informally.

Voluntary interviews are attended by two Municipal Inspectors, and we will ask for your consent to record the interview. Recording interviews is best practice and ensures transparency and accuracy. We can provide you with a copy of the recording if you want one.

You are able to refuse to participate in a voluntary interview.

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 The material may be written documents, photographs or witness accounts.

Examinations under oath or affirmation

If you refuse to speak with us and we believe you hold critical information to our investigation, we can require you to speak with us.

We can compel you to attend for examination under oath or affirmation. An examination is simply another name for an interview.

You will be sent a 'notice to appear' in the form of a letter which explains what we are investigating and why we require you to answer questions.

At the start of the examination, you will need to take either an oath or make an affirmation. This involves swearing or affirming that the information you provide is 'the truth, the whole truth, and nothing but the truth.'

Examinations under oath or affirmation are digitally recorded and you will be given a copy of the recording within seven days of the interview.

Who to bring with you

In our experience, people are usually comfortable with attending informal and voluntary interviews alone. However, with the added formalities of an examination under oath or affirmation, some people find it beneficial to have a third-party present.

You can bring someone into either an examination or 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 who will be attending with you.

Your 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 or examination 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 examination, assisting you with understanding the process, and de-briefing with you after the examination.

What to bring with you

You should bring any documents that you think may help with our 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 and examinations may take place at our office, 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.

Further support

If you are a witness 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