



MINUTES

**OF THE SPECIAL MEETING OF COUNCIL
TO CONSIDER ADOPTION OF THE
COUNCILLOR CODE OF CONDUCT
HELD ON TUESDAY 28 JUNE 2016
AT 7.07 PM IN THE
CHEWTON SENIOR CITIZENS CENTRE,
201 MAIN ROAD (PYRENEES HIGHWAY), CHEWTON.**

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SEPARATE ATTACHMENTS:

Separate Attachment COM 42A: Draft Councillor Code of Conduct May 2016

ACKNOWLEDGEMENT OF COUNTRY

**To start the official proceedings
I would like to acknowledge that we are meeting on Jaara country
of which the members and elders of the Jaara Jaara community and their
forebears have been custodians for many centuries
and have performed age old ceremonies of celebration, initiation and renewal.
We acknowledge their living culture and their unique role in the life of this region.**

1. PRESENT

Councillors: Tony Cordy, Chris Cole, Tony Bell, Christine Henderson, Bronwen Machin, Michael Redden and Sharon Telford

Officers: Acting Chief Executive Officer (Vicky Mason), Acting Director Corporate Support (Bradley Thomas), Acting Director Sustainable Development (Rebecca Stockfeld), Acting Director Sustainable Communities (David Leathem), Manager Governance and Customer Service (Suellen Pepperell), Manager Development Services (Wayne O'Toole), Planning Officer (Tim Blackie)

2. APOLOGIES

Nil

3. DECLARATIONS OF INTEREST/CONFLICTS OF INTEREST

Nil

4. OFFICER REPORTS

4.1. BUILDING SUSTAINABLE COMMUNITIES (COM)

COM 42 ADOPTION OF COUNCILLOR CODE OF CONDUCT

Responsible Director: Director Corporate Support

Responsible Officer: Manager Governance and Customer Service

Original Document: DOC/16/20885

1. Purpose

The purpose of this Report is for Council to adopt the amended Councillor Code of Conduct.

Refer to:

Separate Attachment COM 42A: Draft Councillor Code of Conduct May 2016.

2. Background

The Local Government Act 1989 (the Act) requirements have been amended, following the enactment of provisions in the Local Government (Improved Governance) Act 2015 on 1 March 2016. A key requirement of the amendments relates to governance arrangements for councillor misconduct, which includes a new governance framework and particular requirements of a Councillor Code of Conduct.

3. Policy and Statutory Implications

Local Government Act 1989

Recent changes to the Local Government Act 1989 were enacted on 1 March 2016. These changes include; the requirement for Council to review and adopt an amended Councillor Code of Conduct, put in place an internal resolution procedure and appoint a Principal Conduct Officer.

Council appointed Suellen Pepperell as the Principal Conduct Officer at its Ordinary Meeting of Council on 12 April. The amended Code put forward for consideration at this Ordinary Meeting contains the internal resolution procedure.

Councillor Code of Conduct

Section 76 of the Local Government Act 1989 requires Council to review and adopt a revised Code of Conduct within four months of the Act being enacted. Advice from Local Government Victoria, updated circular 7/2016, stated that Councils must adopt the Code by 4 July 2016. The Code of Conduct must be considered at a special meeting of Council called for only that purpose and no other matters may be considered.

The draft Code contains legislative requirements defined by the Act, including:

- Governance and councillor conduct principles;
- Role of Council and Councillors;
- Function of the Mayor; and
- Prohibited conduct.

The Code also includes statements of commitment by Councillors to the community, which set standards of behaviour and decision making.

The revised Code will be reviewed by the new Council within four months of the 2016 general election, as required by the Act.

4. Issues

Councillors considered a range of matters when determining content for the Code, including the following:

- Content of the existing Code
- Required inclusions for the Code
- Role of a Council
- Role of a councillor
- Function of a mayor
- Councillor conduct principles
- Conduct and behaviour definitions
- Internal resolution procedure
- Councillor conduct framework, including the role of the Principal Conduct Registrar and the way in which Conduct Panels will be conducted
- Council behaviours
- Council decision making
- Process for disclosing a conflict of interest
- Communication, between Councillors and to the community

The feedback from Councillors on these matters shaped the content as well as the way in which the Code was structured.

Councillors noted that the Code formed a contract between Councillors and the community, defining for the community the way in which Councillors will approach the decision-making process and will communicate and work together for the benefit of the community.

5. Financial and Resource Implications

The cost of reviewing and implementing the requirements of the Code of Conduct is funded from the Governance Unit operating budget.

6. Consultation

Councillors were briefed on changes to the Local Government Act 1989, brought about by the Local Government (Improved Governance) Act 2015, at a Briefing on 16 February 2016.

Input was sought from Councillors at two workshops, held on 4 April and 3 May 2016. Input provided on 4 April was used to draft a revised Code which was circulated to Councillors and then discussed at the workshop on 3 May 2016.

Further changes were made following the workshop on 3 May and a second revision was circulated to all Councillors on 12 May 2016 for their input.

The Mayor and Councillor Redden provided input to the internal Resolution Procedure at a meeting held on 16 May 2016.

In addition, Council officers attended a workshop on the Act requirements for the Code of Conduct and referenced the draft Code of Conduct prepared by the Municipal Association of Victoria for use by the local government sector.

7. Conclusion

A draft Councillor Code of Conduct has been prepared, following consultation with Councillors and the sector, which meets the requirements of the Act. The draft Code of Conduct is put to Council for adoption.

RECOMMENDATION

That Council adopt the Councillor Code of Conduct.

MOVED COUNCILLOR COLE

That the recommendation be adopted.

SECONDED COUNCILLOR REDDEN

CARRIED.

5. MEETING CLOSE

Meeting closed at 7.18 pm.