



A SPECIAL MEETING OF SOUTHERN GRAMPIANS SHIRE COUNCIL HELD IN THE COUNCIL CHAMBER, 3 MARKET PLACE, HAMILTON ON WEDNESDAY 15 JUNE 2016, COMMENCING AT 5.40PM.

PRESENT

Cr P Dark (Mayor)
Cr A Calvano
Cr P Battista
Cr D Dawson
Cr C Armstrong
Cr K Rainsford

Mr M Tudball, Chief Executive Officer
Mr M McCarthy, Director Shire Futures
Ms M Kruger, Governance Coordinator

- 1. ACKNOWLEDGEMENT OF COUNTRY**
The Mayor read the Acknowledgement of Country.
- 2. PRAYER**
Cr Armstrong led the meeting with a Prayer.
- 3. APOLOGIES**
Cr Colliton and Cr Dawson.
- 4. DECLARATION OF INTERESTS BY COUNCILLORS AND OFFICERS**
Nil.
- 5. BUSINESS OF THE MEETING**
 - 5.1 Councillor Code of Conduct
- 6. CLOSURE**

5.1 Councillor Code of Conduct

CHIEF EXECUTIVE OFFICER

Attachment 1 – Draft Councillor Code of Conduct 2016

Summary

Every Victorian Council must develop and approve a Councillor Code of Conduct within 4 months of the commencement of section 15 of the Local Government Amendment (Improved Governance) Act 2015 or within four months of a general election.

The Local Government Amendment (Improved Governance) Act 2015 brought in several changes in relation to Codes of Conduct.

In accordance with the legislative changes and requirements a new Councillor Code of Conduct has been drafted. It is recommended that the attached draft Councillor Code of Conduct 2016 is adopted by Council.

Background

The Local Government Act 1989 (“the Act”) was amended in 2015 by the Local Government Amendment (Improved Governance) Act 2015. One of the amendments that was enacted was the Councils must review, and make necessary amendments to its Councillor Code of Conduct within 4 months of the commencement of section 15 of the Local Government Amendment (Improved Governance) Act 2015. Section 15 of the Local Government Amendment (Improved Governance) Act 2015 commenced on 1 March 2016.

Council Plan

Outcome 1.1 - Soundly Based Decisions

Strategy 1.1.1 - Based decisions on the highest available level of professional advice and expertise.

Strategy 1.1.2 - Develop and enact policies, plans and strategies to ensure consistency in decision making

Strategy 1.1.3 – Demonstrate leadership through ethically, socially and environmentally responsible conduct

Strategy 1.1.4 – Work together to develop a highly responsive Council organisation.

Policy/Strategy/Legal/Statutory

The Councillor Code of Conduct has been reviewed in accordance with section 76C of the Local Government Act 1989.

The Local Government Amendment (Improved Governance) Act 2015 made several changes in relation to Councillor Codes of Conduct and the roles and responsibilities of Councillors and the Mayor, these have been included in the development of the draft Councillor Code of Conduct.

5.1 Councillor Code of Conduct (cont'd)

Several sections have been introduced by the Local Government Amendment (Improved Governance) Act 2015 including:

- Section 63 which requires Councillors to make a declaration that they will abide by the Councillor Code of Conduct.
- Section 65 which defines the role of Councillors.
- Section 73AA which details the functions of the Mayor.
- Section 76C in relation to the timing and process for developing a Councillor Code of Conduct.

Social/Economic/Environmental

The following extract from the Good Governance Guide, produced jointly by the Municipal Association of Victoria, Local Government Professionals, Department of Planning and Community Development and the Victorian Local Governance Association, outlines some of the social implications of failing to adhere to the principles of good conduct –

“Councillors behaviour reflects on the Council and on Local Government as a whole. If Councils are seen to be acting fairly and ethically their decisions will be better respected and are much more likely to be accepted by the community. As community leaders, Councillors should recognise their position as role models. Just like leaders at the state and federal levels of Government and other prominent citizens, Councillors’ conduct sets the standard for other people to follow”.

Financial/Risk Management

The Discussion Paper seeks to improve governance and decision making at Southern Grampians Shire Council. This will in turn see a reduction of risks in relation to governance and decision making. There may be some financial benefits through increased efficiencies in relation to some of the processes mentioned in the Discussion Paper.

There are no financial implications in adopting the Code of Conduct.

There is an element of organisational risk in failing to adhere to its principles. The Good Governance Guide highlights this in the following extract –

“The conduct of individual Councillors affects the ability of Council to function properly. If Councillors behave badly, it can negatively affect the quality of their relationships with each other. This can lead to a lack of trust which will undermine the effectiveness of the Council”.

Discussion

The draft Councillor Code of Conduct 2016 conforms to the requirements of the Local Government Act 1989 and contains clear direction on the behaviours and standards expected of Councillors and commitments to those behaviours and standards.

The draft Code was developed through research of other Council’s Councillor Codes of Conduct and the MAV draft Councillor Code of Conduct 2016.

The draft Councillor Code of Conduct 2016 contains sections in relation to roles and responsibilities; Councillor Conduct Principles; Councillor Behaviours; Prohibited Conduct;

decision making; use of Council information and resources; relationships with Council staff; gifts; communication; personal dealings with Council and dispute resolution procedures.

The sections in relation to application of the code; roles and responsibilities; legislative requirements; prohibited conduct; additional statutory requirements; personal dealing with council and dispute resolution procedures have been added to this version of the Councillor Code of Conduct, or materially altered, to reflect not only the legislative changes but Council’s commitment to good governance, leadership, transparency and decision making.

Community Engagement

The Councillor Code of Conduct is developed in line with legislative requirements and is an internally focussed document. As such there has been no community engagement in relation to the development of the Code.

Communication of Decision

The Councillor Code of Conduct is required to be made available for public inspection at the Council offices, Council’s website and a copy provided to all Councillors

Officer Declaration of Interest

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Michael Tudball, Chief Executive Officer.

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Megan Kruger, Governance Coordinator.

In providing this advice as the Author, I have no disclosable interests in this report.

Recommendation

That the Councillor Code of Conduct as presented be adopted and the declaration to abide by the Code be signed by all Councillors.

Cr Battista/Cr Calvano

That the Councillor Code of Conduct as presented be adopted and the declaration to abide by the Code be signed by all Councillors.

CARRIED

A Division was called

| DIVISION | |
|---------------------|----------------|
| FOR | AGAINST |
| Cr Armstrong | |
| Cr Battista | |
| Cr Calvano | |
| Cr Dark | |
| Cr Rainsford | |

6. Closure

This concludes the business of the meeting.

Meeting closed at 5.50 pm.

Confirmed by resolution this 13th day of July 2016.

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Chairman