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AGENDA



For a Special meeting of the Council to be held on Tuesday, 7 February 2017, commencing at 4:30pm at the Echuca Civic Centre.

OPENING PRAYER

We pray to Almighty God that our decisions as a Council be in the best interest of the people, culture and the environment of the Shire of Campaspe.

Amen

The Campaspe Shire Council acknowledges the traditional owners of the land upon which we meet and pay our respect to their elders both past and present.

BUSINESS MEETING PROCEDURES

Please ensure that all mobiles are turned off or switched to silent.

Council meetings are broadcast live via the internet. During the meeting, members of the public may be recorded, particularly those speaking to an item. By attending this meeting, you are consenting to the possibility that your image may also be broadcast to the public. Any personal and health information voluntarily disclosed by any person at Council meetings may be broadcast live, held by Council and made available to the public for later viewing.

1. APOLOGIES

2. DECLARATION OF INTERESTS

Disclosure of Conflict of Interests are to be made immediately prior to any relevant item being discussed.

Local Government Act 1989 Section 79

- (1) If a Councillor or member of a special committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the special committee, the Councillor or member must, if he or she is attending the meeting, disclose the conflict of interest in accordance with subsection (2).
- (2) A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest:
 - (a) by either
 - (i) advising the Council or special committee at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
 - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
 - (b) classifying the type of interest that has given rise to the conflict as either:
 - (i) a direct interest; or
 - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
 - (c) describing the nature of the interest; and
 - (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

3. REVIEW OF COUNCILLOR CODE OF CONDUCT

Author:

Frank Crawley, Governance Manager

Attachments:

3.1 Revised Councillor Code of Conduct

3.2 Councillor declaration to abide by code of conduct

1. Purpose

For council to adopt a revised Councillor Code of Conduct and sign the declaration to abide by the revised code.

2. Recommendation

That Council:

- 1. Adopt the revised Councillor Code of Conduct.**
 - 2. That all councillors sign the declaration to abide by the councillor code of conduct adopted at the special council meeting held on 7 February 2017.**
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3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

Section 76C(2) of the Local Government Act states:

A Council must, within the period of 4 months after a general election:

- (a) call a special meeting solely for the purpose of reviewing the Councillor Code of Conduct; and
- (b) at that special meeting, approve any amendments to be made to the Councillor Code of Conduct determined by the Council to be necessary following the review of the Councillor Code of Conduct.

7. Content

The requirement in the *Local Government Act 1989* provides an opportunity to amend the existing code of conduct if deemed appropriate. The current code is in compliance with the *Local Government Act 1989* but it is recommended that councillors consider the following amendments:

1. Include a process for resolution of conflict between councillors before it becomes an official dispute

The current clause mentions that before commencing any formal dispute resolution that the parties try to resolve their dispute in a courteous and respectful manner but provided no guidance. A number of councils have a documented process which includes using a mediator. A more comprehensive process will provide guidance and may stop the issue developing into a formal dispute.

2. Specify the role an arbiter is expected to undertake (LGA Sect 81AA(2)d) and what type of report council requires of the arbiter

The current clause states that once a dispute is declared, council will appoint an independent and suitably qualified arbiter. Further detail on the role of the arbiter and what type of report council requires from the arbiter should assist councillors and staff.

3. Include information on bias under the heading "council decision making"

The subject of bias was included in the councillor induction program and is an important legal principle that councillors need to be aware of. The word "bias" is not mentioned in the *Local Government Act* so to ensure that councillors are reminded of its' importance a reference to it in the code of conduct may be appropriate.

4. Include information on councillors' role

The role of a councillor is detailed in Section 65 of the *Local Government Act*. This section states that the role of a councillor does not include the performance of any functions specified as functions of the Chief Executive Officer. Section 94A(1)(c) states that the Chief Executive Officer is responsible for the day to day management of the council's operations in accordance with the council plan. Councillor involvement in operational matters is one of the more contentious issues in local government and is often the source of conflict between councillors and staff. It's not normally included in many formal documents but its inclusion may provide guidance for councillors and staff.

5. Include information on personal dealings with council

Councillors are also ratepayers so from time to time may have dealings with council in a private capacity. Being clear on how those issues are dealt with should eliminate any accusations of undue influence.

8. Issues and Risk Management

Issues:

Nil

Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

9. Strategic Planning Environments

Prosperity: No impact

Place: No impact

People: No impact

Organisation: No Impact

10. Consultation

Clarification on the intended changes has been provided to councillors at the briefing sessions held on 24 January 2017 and 31 January 2017.

11. Officer Comment

This review has given the Council the opportunity to strengthen the dispute resolution process and clarify some areas of demarcation.

4. CLOSE MEETING

.....
JASON RUSSELL

CHIEF EXECUTIVE OFFICER