



COUNCILLOR CODE OF CONDUCT

Adopted by Council 17 February 2021



Campaspe
Shire Council

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Councillor Code of Conduct

1. Code of Conduct

The *Local Government Act 2020* (the Act) requires Council to develop and maintain a Councillor Code of Conduct, which is required to be periodically reviewed.

As Campaspe Shire Councillors we are committed to high standards of governance.

The behaviour we demonstrate in our dealings with each other, our internal stakeholders including the Council Administration and our external stakeholders including the community is critical to our success.

This Code of Conduct reflects the behaviours we will apply to meet our obligations to the community, Council's administration, and to each other.

Our commitment to working together constructively will enable us to achieve Council's vision and mission, as documented in the Council Plan.

2. Purpose

This Code of Conduct (Code) applies to all Campaspe Shire Councillors. It relates to the performing of Council functions, purposes and all the various forms of decision-making processes.

The purpose of this Code is to:

- Set out the standards of conduct expected of elected representatives;
- Endeavour to foster good working relations to enable councillors to work constructively, collaboratively and in the best interests of the local community; and
- Mandate councillor conduct that is intended to promote public confidence in the integrity of local government.

Failure by a councillor to comply with the standards of conduct constitutes misconduct under the Act.

3. Commitment

Working Together - Statement of Intent

We commit to upholding the spirit of this Code, which should be read and interpreted to ensure the highest standards of behaviour are applied to our roles.

Our express intention in adopting and being bound by this Code is to:

- Always act with the highest levels of integrity, care and diligence to promote the best interests of the Campaspe community as a whole - never for the benefit of one or more businesses, individuals, wards, political parties or groups of people;
- Abide by the agreed communication processes and channels (as approved by Council) in a clear, respectful, patient manner, and to be mindful to minimise the impact upon Council's resources and employees' time;
- Welcome and listen to differing views and advice of other Councillors, the administration and members of the public attending Council meetings, and to be open to constructive feedback;
- Consider the evidence available and make impartial decisions; and
- Accept accountability for our actions.

Councillor Commitment to the Code of Conduct

As an elected representative of the community charged with decision making for Campaspe Shire Council, I am committed to undertaking the duties and responsibilities of my office by working together with my fellow councillors, in a respectful and constructive manner, to achieve the goals and vision for our Shire.

I recognise the importance of acting in accordance with the highest standards of governance, and recognise this is essential to honest, accountable and effective government. My behaviour towards my colleagues, Council employees and the community, is critical to the teamwork required to be a successful and highly functioning public authority.

I acknowledge that I have been elected by the community to a position of significant responsibility with the expectation that I will act in accordance with the accepted values of our society.

As a Campaspe Shire Councillor, I agree to:

- Act in accordance with the principles of good governance, respectful conduct and the associated obligations set out in the Code, and in legislation;
- Provide civic leadership and contribute effectively to the interests and advancement of Council and its community;
- Contribute to the strategic vision for Council and the community;
- Uphold the public trust, in the office of Councillor, by refraining from any action or behaviour that would bring Council into disrepute; and
- Act in accordance with all obligations to the best of my skill and judgement.

This Code sets out my commitment to my fellow Councillors and the community to govern Campaspe Shire in a manner that accords with the expressed behaviours, standards and values.

This Code will be reviewed in accordance with relevant legislative obligations.

Additionally, Councillors may review this Code annually to ensure it continues to meet community expectation.

By signing below, I declare to my fellow Councillors, and to the community, that I have read, understood and will abide by this Code of Conduct.

Councillor Code of Conduct

I, Councillor Robert Amos, will abide by this Councillor Code of Conduct.	Witnessed by:
Signed	Signed
Cr Robert Amos	Declan Moore, Chief Executive Officer
Date	Date
I, Councillor Tony Marwood, will abide by this Councillor Code of Conduct.	Witnessed by:
Signed	Signed
Cr Tony Marwood	Declan Moore, Chief Executive Officer
Date	Date
I, Councillor Christine Weller, will abide by this Councillor Code of Conduct.	Witnessed by:
Signed	Signed
Cr Christine Weller	Declan Moore, Chief Executive Officer
Date	Date
I, Councillor Colleen Gates, will abide by this Councillor Code of Conduct.	Witnessed by:
Signed	Signed
Cr Colleen Gates	Declan Moore, Chief Executive Officer
Date	Date
I, Councillor Daniel Mackrell, will abide by this Councillor Code of Conduct.	Witnessed by:
Signed	Signed
Cr Daniel Mackrell	Declan Moore, Chief Executive Officer
Date	Date

Councillor Code of Conduct

I, Councillor John Zobec this Councillor Code of Conduct.	Witnessed by:
Signed	Signed
Cr John Zobec	Declan Moore, Chief Executive Officer
Date	Date
I, Councillor Paul Jarman, will abide by this Councillor Code of Conduct.	Witnessed by:
Signed	Signed
Cr Paul Jarman	Declan Moore, Chief Executive Officer
Date	Date
I, Councillor Adrian Weston, will abide by this Councillor Code of Conduct.	Witnessed by:
Signed	Signed
Cr Adrian Weston	Declan Moore, Chief Executive Officer
Date	Date
I, Councillor Leanne Pentreath, will abide by this Councillor Code of Conduct.	Witnessed by:
Signed	Signed
Cr Leanne Pentreath	Declan Moore, Chief Executive Officer
Date	Date

4. Standards of Conduct

Prescribed Standard of Conduct 1 - Treatment of others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor:

- (a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010; and
- (b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- (c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- (d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

In observing Standard of Conduct 1, I commit to the following:

- Respecting and promoting the human rights set out in the Charter of Human Rights and Responsibilities and undertake to understand how they apply.
- Contributing to ensuring that the workplace is an environment where people are treated fairly and with respect and are free from all forms of unlawful discrimination and inappropriate workplace behaviours, such as sexual harassment, victimisation, bullying, harassment and occupational violence.
- Act fairly, objectively and respectfully in dealings with other Councillors, staff and the community.

Prescribed Standard of Conduct 2 - Performing the role of Councillor

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor:

- (a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and
- (b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and
- (c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

In observing Standard of Conduct 2, I commit to the following:

- Performing my duties diligently, impartially and responsibly, acting in good faith and in the interest of Council and the community.
- Refraining from any form of conduct which may cause a reasonable person unwarranted offence or embarrassment.
- Showing respect at all times when dealing with others, community, customers, other Councillors and staff at all levels. Any grievances or differences of opinion will be raised in an appropriate forum and in accordance with Council policies.

Prescribed Standard of Conduct 3 - Compliance with good governance measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following:

- (a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- (b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- (c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act;
- (d) any directions of the Minister issued under section 175 of the Act.

In observing Standard of Conduct 3, I commit to the following:

- Acting in accordance with the principles of good governance.
- Impartially exercise responsibilities in the interests of the local community.
- Not improperly seek to confer an advantage or disadvantage on any person.

Prescribed Standard of Conduct 4 - Councillor must not discredit or mislead Council or public

1. In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.
2. In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

In observing Standard of Conduct 4, I commit to the following:

- Acting honestly and avoiding actions or conduct that will or are likely to mislead or deceive a person.
- Accepting each individual's differences, values, culture and beliefs.
- Always listen to the views and ideas of other people.

Prescribed Standard of Conduct 5 - Standards do not limit robust political debate

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

In observing Standard of Conduct 5, I commit to the following:

- Contributing to and debating items with respect in the Council Chamber.
- Accepting the final Council decision.

5. Specific Councillor Conduct Obligations

Handling and Use of Confidential and Personal Information

I acknowledge that I must comply with the obligations under Section 125 of the *Local Government Act 2020* in relation to confidential briefings or information, and recognise that this obligation extends to ensuring the safekeeping of confidential information.

I agree to maintain the confidentiality of complaints raised through the dispute resolution process during the investigation, and until such time as any outcomes or recommendations are required to be reported to Council for a decision in accordance with the Act or this Code.

I declare that I will not:

- a) Use information gained by virtue of being a Councillor for any purpose, other than to exercise my role as a Councillor;
- b) Release, discuss, distribute or allow to be communicated to another party or use information deemed 'confidential' in accordance with Section 125 of the Act; and
- c) Use information to cause harm or damage to any person, body or Council.

I understand that I must comply with the requirements of the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*, in relation to the management of personal information.

Personal information means '*information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the Health Records Act 2001 applies*'.

Appendix - Informal Interpersonal Dispute Resolution

Informal Interpersonal Dispute resolution supports maintaining the integrity of this Code. It provides equal support and mechanisms to resolve conflicts and disputes in a manner that enables all Councillors to move forward and maintain effective working relationships that are unduly affecting the operation of council.

The Procedure does not resolve:

- (a) Differences between Councillors in relation to policy or decision making, which are appropriately resolved through discussion and voting in Council meetings;
- (b) A complaint made against a Councillor or Councillors by a member or members of Council staff, or by any other external person;
- (c) A 'disclosure' made about a Councillor under the Public Interest Disclosures Act 2012, which can only be made to IBAC;
- (d) Allegations of criminal misconduct. Any allegation(s) of criminal misconduct will be immediately referred to Victoria Police or the relevant integrity authority.

The Procedure operates alongside, and does not replace, formal dispute resolution procedures outlined in the Act. The formal dispute resolution procedure applies to misconduct, serious misconduct and gross misconduct. The Act defines these in the following ways:

Misconduct means *'any breach by a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct'*.

Serious misconduct means any of the following:

- (a) The failure by a Councillor to comply with Council's internal arbitration process;
- (b) The failure by a Councillor to comply with a direction given to the Councillor by an arbiter under Section 147;
- (c) The failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor;
- (d) The failure of a Councillor to comply with a direction of a Councillor Conduct Panel;
- (e) Continued or repeated misconduct by a Councillor after a finding of misconduct has already been made by an arbiter or by a Councillor Conduct Panel under Section 167(1)(b);
- (f) Bullying by a Councillor of another Councillor or a member of Council staff;
- (g) Conduct by a Councillor which is conduct of the type that is sexual harassment of a Councillor or a member of Council staff;
- (h) The disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information;

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- (i) Conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff;
- (j) The failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with this Act.

Gross misconduct means behaviour that demonstrates that a Councillor:

- (a) Is not of good character; or
- (b) Is otherwise not a fit and proper person to hold the office of Councillor, including behaviour that is sexual harassment and that is of a shocking nature.

Council **will not** bear the costs of legal or other representation for any Councillor in an informal dispute resolution process. Parties to a dispute may seek their own legal advice. If a party procures their own legal advice, the cost of that advice will not be borne by Council.

Roles and Responsibilities in the Application of the Procedure

The Mayor takes a central leadership role in the informal dispute resolution process, assisting the parties to resolve interpersonal disputes.

Councillors who wish to resolve an interpersonal dispute through the informal resolution process must progress through the following steps:

1. Conciliation Discussion;
2. Facilitated Discussion;
3. Mediation.

A Councillor using one of the informal resolution procedures to try and resolve an interpersonal dispute, and the resolution is unsuccessful, cannot later use the same informal resolution to try and resolve an interpersonal dispute, if the dispute is based on the same subject matter/behaviour.

If it is unclear if the subject matter/behaviour that forms the basis of the dispute has previously been subject to an informal dispute resolution option under this Code, the Mayor has sole discretion to determine whether the subject matter of a dispute is the same. No Council officer, including the CEO or the Councillor Conduct Officer, may exercise the discretion.

If the Mayor is a party to a dispute, the Deputy Mayor will assume the role of the Mayor and assist the parties to resolve the dispute.

Mayor

The Mayor has a responsibility to:

- (a) Establish and promote appropriate standards of conduct;
- (b) Support good working relations between Councillors;
- (c) Support Councillors in dispute resolution, including by ensuring, where appropriate, that they comply with the timeframes associated with each process in this Procedure;

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- (d) Provide guidance to Councillors about what is expected in relation to the role of a Councillor under Section 28, and the observation of the Standards of Conduct and the Councillor Code of Conduct under Section 139 of the Act; and
- (e) Act as an honest broker between parties to a dispute, and try to resolve the issue fairly, impartially and confidentially.

The Mayor facilitates the informal resolution process, regardless of whether the Mayor may be perceived to be biased in respect of the issue or dispute, or whether his/her impartiality may be questioned.

The Mayor's role includes advising the CEO when to appoint an external mediator if a conciliation discussion or a facilitated discussion has not resolved the matter.

If the Mayor is a party to an issue or dispute, the Mayor must remove themselves from facilitating the process.

The Mayor will work closely with all parties involved, facilitate the informal resolution process in a timely manner, and will also advise the parties of the options available to them should one or both parties abandon the resolution process once commenced.

The Mayor has ultimate discretion to:

- (a) Determine whether the subject matter that forms the basis of the application for resolution, is the same as that which has previously been the subject of an informal dispute resolution option.
- (b) Direct the matter to mediation if one or more parties fails to act in good faith, or if the matter is unlikely to be resolved through conciliation discussion or facilitated discussion in a reasonable timeframe.

Councillors

Councillors have a responsibility to:

- (a) Participate in good faith, and in a timely manner in any dispute resolution process, including any initial informal steps to resolve interpersonal disputes;
- (b) Cooperate with any mediation of a complaint made under the Procedure;
- (c) Respect the parties involved, and 'natural justice' and 'procedural fairness' principles, to maintain confidentiality regarding any complaint, and any steps taken to resolve the complaint or interpersonal dispute;
- (d) Seek resolution of a dispute in a reasonably expeditious manner, whether as respondent or complainant;
- (e) Recognise that it is necessary to be open to constructive criticism and be self-aware; and
- (f) Comply with the prescribed time limits in the Procedure in respect of the progression and/or lapsing of actions available to Councillors to resolve issues and disputes.

Each Councillor, who is a party to a dispute, is to participate in the informal resolution process in good faith and in accordance with this Code.

There is no legal obligation for Councillors to participate in the informal dispute resolution process.

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However, a Councillor who is not a party to the dispute is strongly encouraged and obliged under the spirit and intent of this Code, and the principle of collective responsibility, to assist the parties resolve the issues in dispute.

Chief Executive Officer

The Chief Executive Officer has a responsibility to:

- (a) Ensure that support and assistance is available to all Councillors when it is permitted, and in all cases, in accordance with the Procedure;
- (b) On request by the Mayor/Deputy Mayor, and when the corresponding application complies with relevant requirements, formally appoint an independent mediator, advise the relevant parties of the appointment, and facilitate any reporting on the process in accordance with the internal resolution procedure;
- (c) Comply with all relevant legislation as the senior officer within Council's administration.

The CEO is to appoint an external mediator at the request of the Mayor.

Thereafter the CEO and the Councillor Conduct Officer will keep the other updated on the status of each dispute being addressed under the informal resolution process, as advised by the Mayor /Deputy Mayor.

Councillor Conduct Officer

The Councillor Conduct Officer has a responsibility to:

- (a) Assist Council in the implementation and conduct of the internal resolution procedure;
- (b) Assist the Principal Councillor Conduct Registrar to perform the functions specified in Section 149(1) of the Act;
- (c) Assist the Principal Councillor Conduct Registrar in relation to any request for information to support the arbitral process.

Conciliation Discussion

An informal discussion between the parties involved in the dispute to try and resolve the matter (for example, an informal meeting over a coffee to discuss the issue) if the parties are comfortable to do so.

If one or both of the parties do not consider a conciliation discussion appropriate and wish to continue with the informal resolution process, they should advise the Mayor that they wish to proceed directly to a facilitated discussion or to mediation.

The Mayor will determine whether the matter proceeds to a facilitated discussion or mediation.

However, if the:

- (a) Mayor and Deputy Mayor are involved in the dispute; and
- (b) The parties have previously attempted to resolve the matter through conciliation discussion(s), and the matter has not been resolved; and

- (c) The Mayor, Deputy Mayor, or other party to the dispute wishes to continue using the informal resolution process in this Code,

the Mayor, Deputy Mayor, or other party to the dispute may apply to the CEO to appoint an external mediator. In this instance, the matter will proceed directly to mediation without a facilitated discussion taking place.

Conciliation Discussion Procedure

The Councillor requesting the conciliation discussion should contact the other party/parties to the dispute and communicate their concerns, in a constructive manner, to seek to resolve the dispute and allow all councillors to move forward and maintain an effective working relationship.

When one or both of the parties do not consider a conciliation discussion appropriate, and wish to continue using the informal resolution process, they may advise the Mayor that they wish to proceed directly to a facilitated discussion.

Facilitated Discussion

A facilitated discussion is a discussion between the parties, with the Mayor and/or Deputy Mayor facilitating. If the parties cannot resolve the dispute at the first facilitated discussion, the facilitator of the meeting may arrange two further facilitated discussions, to a maximum of three facilitated discussions.

The facilitator may choose to meet individually with a Councillor prior to the facilitated discussion.

All parties who agree to attempt to resolve a dispute via a facilitated discussion agree to:

- (a) Respect the parties involved, and 'natural justice' and 'procedural fairness' principles;
- (b) Maintain confidentiality regarding and during the facilitated discussion process; and
- (c) Cooperate with the dispute resolution process and provide reasonable assistance to the Facilitator.

If:

- (a) The maximum number of facilitated discussions is reached; or
- (b) The further facilitated discussions do not resolve the dispute; or
- (c) One or more of the parties do not agree to attend a further facilitated discussion; and
- (d) The matter remains unresolved,

the Mayor/Deputy Mayor will refer the matter directly to mediation and advise the CEO to appoint an external mediator.

The Mayor/Deputy Mayor do not select the mediator.

If:

- (a) The parties have previously attempted to resolve the matter through a facilitated discussion(s) and the matter has not been resolved; or
- (b) One or both of the parties do not consider a facilitated discussion appropriate; and
- (c) The parties to the dispute wish to continue using the informal resolution process;

the Mayor/Deputy Mayor will refer the matter directly to mediation and advise the CEO to appoint an external mediator.

The role of the CEO in respect of a facilitated discussion is limited to appointing an external mediator.

Facilitated Discussion Procedure

The Councillor requesting the facilitated discussion must:

- (a) Provide the facilitator (Mayor/Deputy Mayor) with the name of the other party/parties and the details of the dispute in writing via the Facilitated Discussion Request Form;
- (b) Notify the other party/parties of the request and the details of the dispute;
- (c) Provide a copy of the Facilitated Discussion Request Form and the details of the dispute to the other party/ parties; and
- (d) Provide the facilitator (Mayor/Deputy Mayor) with evidence that a copy of the Facilitated Discussion Request Form and the details of the dispute were provided to the other party/parties.

The facilitator (Mayor/Deputy Mayor) must, unless the parties have previously attempted to resolve the matter through a facilitated discussion(s) and the matter has not been resolved, or one or both of the parties do not consider a facilitated discussion appropriate:

- (a) Ascertain whether or not the other party is prepared to attend a facilitated discussion;
- (b) Advise the party seeking the facilitated discussion if the other party/parties is not prepared to attend the facilitated discussion. No further action is required of the facilitator; and
- (c) Hold up to a maximum of three confidential facilitated discussions between the parties, if the other party agrees to attend a facilitated discussion/further facilitated discussion.

The facilitator (Mayor/Deputy Mayor) must arrange the initial facilitated discussion within ten working days of receipt of the Facilitated Discussion Request Form. The facilitated discussion, or the first facilitated discussion when there is more than one meeting, must be held within one month of receipt of the Facilitated Discussion Request Form, subject to any approved leave of absence.

If, subject to any approved leave of absence, a month elapses from the date of the Facilitated Discussion Request Form being received without a facilitated discussion meeting taking place, the matter will be deemed to be the subject of an unsuccessful attempt to resolve the matter. If the parties to the dispute wish to continue using the informal resolution process, the Mayor/Deputy Mayor will refer the matter directly to mediation and instruct the CEO to appoint an external mediator.

The role of the facilitator (Mayor/Deputy Mayor) in respect of the facilitated discussion is to:

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- (a) Assist the parties to resolve the dispute. In the process of doing this they may provide guidance about what is expected of a Councillor, including in relation to the role of a Councillor under Section 28 of the Act and the Code;
- (b) Document any agreed actions/commitments made by the parties as a result of the facilitated discussion, including any timeframes within which actions/commitments must be undertaken;
- (c) Provide, with the agreement of the parties involved, a copy of any agreed actions/commitments made by the parties as a result of the facilitated discussion, including any timeframes within which actions/ commitments must be undertaken to the parties to the facilitated discussion and the Councillor Conduct Officer;
- (d) Organise a series of check-in meetings with the parties involved (at the request of all parties), to support the implementation of any agreed actions/commitments made by the parties as a result of the facilitated discussion; and
- (e) If required, provide the parties to the dispute with guidelines in advance or at the facilitated discussion, to help facilitate the meeting.

When the parties have previously attempted to resolve the matter through a facilitated discussion and the matter has not been resolved, or one or both of the parties do not consider a facilitated discussion appropriate, and the parties to the dispute wish to continue using the informal resolution process, the Mayor/ Deputy Mayor will:

- (a) Refer the matter directly to mediation; and
- (b) Advise the CEO to appoint an external mediator.

Mediation

Is a mediation between the parties involved with an external mediator appointed by the CEO at the request of the Mayor/Deputy Mayor.

The mediation process will be determined by the external mediator and be agreed to by the parties involved in the dispute.

All parties to a mediation, including any support persons who are not Councillors permitted to attend by the mediator, agree to:

- (a) Respect the parties involved, and 'natural justice' and 'procedural fairness' principles;
- (b) Maintain confidentiality regarding the mediation process; and
- (c) Cooperate with the dispute resolution process.

All parties involved in a mediation to attempt to resolve an interpersonal dispute:

- (a) Recognise the importance of resolving the dispute in a timely manner; and
- (b) Acknowledge that an unnecessarily protracted mediation process has the potential to erode positive working relationships between Councillors.

Mediation – Procedure

A Councillor may request the Mayor/Deputy Mayor to refer the dispute to mediation, to be conducted by an external mediator.

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If a group of Councillors requests that their dispute with one Councillor, or a group of Councillors, be referred to mediation, it is at the mediator's sole discretion whether to:

- (a) Conduct the mediation on a multiparty basis (that is, with multiple applicants and multiple respondents participating in the mediation) or a bilateral basis (that is, with a single applicant and a single respondent participating in the mediation);
- (b) Deal with joint parties or individual parties.

The Councillor requesting the mediation must:

- (a) Provide the Mayor/Deputy Mayor with the name of the other party/parties and the details of the dispute in writing via the Mediation Request Form;
- (b) Notify the other party/parties of the request and the details of the dispute;
- (c) Provide a copy of the Mediation Request Form and the details of the dispute to the other party/parties; and
- (d) Provide the Mayor/Deputy Mayor with evidence that a copy of the Mediation Request Form and the details of the dispute were provided to the other party/parties.

The Mayor/Deputy Mayor must, unless the parties have previously attempted to resolve the matter through mediation and the matter has not been resolved, or one or both of the parties do not consider mediation appropriate:

- (a) Ascertain whether or not the other party is prepared to attend mediation; and
- (b) Advise the party seeking the mediation if the other party/parties is/are not prepared to attend the mediation.

When a party declines to participate in the mediation, they must provide the Mayor/Deputy Mayor and Councillor Conduct Officer with reasons in writing for not doing so. These reasons may be taken into account if the matter is subsequently the subject of an application for a Councillor Conduct Panel.

If the other party agrees to participate in mediation, the Mayor/Deputy Mayor must advise:

- The party seeking the mediation;
- The Mayor/Deputy Mayor;
- The Councillor Conduct Officer; and
- The Chief Executive Officer.

When the parties agree to mediation, the Mayor/Deputy Mayor will:

- (a) Refer the matter directly to mediation; and
- (b) Advise the CEO to appoint an external mediator.

The external mediator may permit a support person(s) present at the mediation, unless the proposed support person is a Councillor, or is a party to the mediation, or has been identified by one of the parties to the mediation as a potential witness in the mediation.

The external mediator may provide 'in-progress' reporting to the Mayor/Deputy Mayor on the mediation process, unless the Mayor/Deputy Mayor is a party to the dispute.

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If the parties cannot resolve the dispute at the mediation meeting, the mediator may convene two further meetings. The mediator must not convene more than a total of three mediation meetings, except with the consent of both parties, in which case any number of further meetings (as agreed) may be held.

At the conclusion of the mediation process, the external mediator will provide to the:

- (a) Parties involved and the Mayor/Deputy Mayor, a written report about the agreed actions/commitments made by the parties during the mediation process (if any), including any timeframes within which actions/commitments must be undertaken;
- (b) Parties involved and the Mayor/Deputy Mayor, a chronology of the mediation process, including details about dates and attendees at mediation meetings; and
- (c) Councillor Conduct Officer, a copy of the mediator's written report for record-keeping purposes.

The Mayor/Deputy Mayor may organise a series of 'check-in' meetings with the parties involved, to support the implementation of the agreed actions/commitments.

If, subject to any approved leave of absence, a month elapses from the date of the mediator being engaged by the CEO, without a mediation taking place, the matter will be deemed to be the subject of an unsuccessful attempt to resolve the matter through a mediation, and will be deemed to be abandoned with no further mediation meetings to take place.

When:

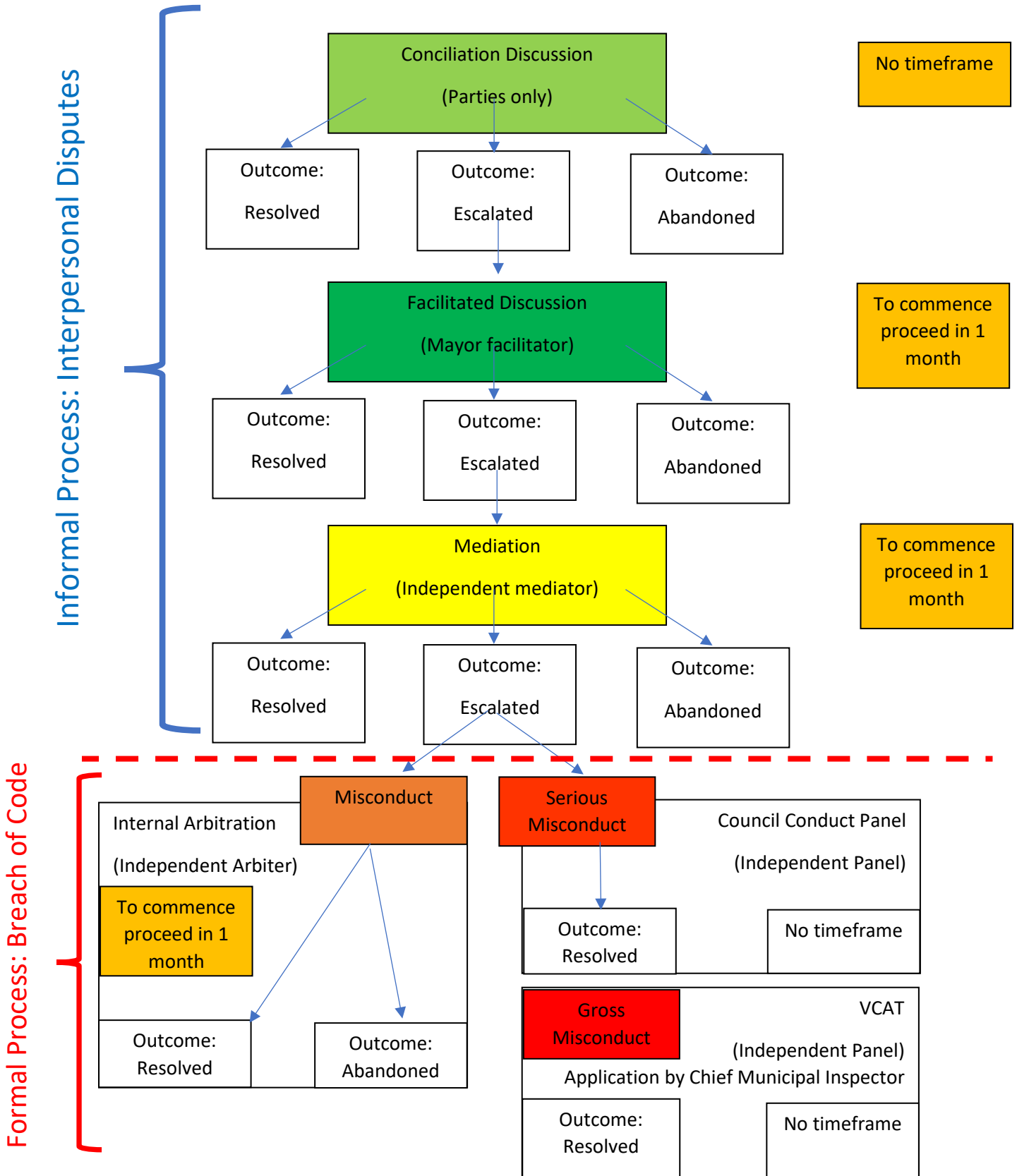
- (a) A mediation process has been abandoned; and
- (b) The dispute remains unresolved;

the parties to the mediation may request the appointment of an arbiter where the dispute alleges misconduct by a Councillor.

As soon as practicable following receipt of the mediator's written report, the CEO will arrange for a presentation at a Council meeting open to the public. The CEO's report must detail the mediation costs incurred by Council, regardless of whether the mediation process has resolved the issue and/or the mediation process was abandoned, but not the allegations leading to the dispute or the parties involved.

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Dispute Resolution Procedure Flowchart



Facilitated Discussion Form

Applicant's Name

Name(s) of other party/parties to the dispute

Have you sought a conciliated discussion with the other party/parties to the dispute?

Yes – Please provide details including the date and outcome(s) of the discussion.

No – The Code of Conduct states that a conciliated discussion is the first step in resolving any dispute - if the parties are comfortable to do so. Please provide details as to why a conciliated discussion has not taken place.

Please attach evidence that the other party/parties to the dispute has/have been notified of the request for facilitated discussion, and provided with a copy of this application?

Please provide details and evidence of the dispute

Applicant's Name	
Date	
Signature	

Mediation Request Form

Applicant's Name

Name(s) of other party/parties to the dispute

Have you sought a conciliated discussion with the other party/parties to the dispute?

Yes – Please provide details including the date and outcome(s) of the discussion.

No – The Code of Conduct states that a conciliated discussion is the first step in resolving any dispute if all parties are comfortable to do so.

Please provide details as to why a conciliated discussion has not taken place.

Have you sought a facilitated discussion with the other party/parties to the dispute?

Yes – Please provide details including the date and outcome(s) of the discussion.

No – The Code of Conduct states that a facilitated discussion is the second step in resolving any dispute if all parties agree. Please provide details as to why a facilitated discussion has not taken place.

Councillor Code of Conduct

Please attach evidence that the other party/parties to the dispute have been notified of the request for mediation and provided with a copy of this application?

Please provide details of the dispute

Applicant's Name	
Date	
Signature	

Definitions

Chief Executive Officer	The Chief Executive Officer of Council of the Campaspe Shire Council.
Chief Municipal Inspector	The Chief Municipal Inspector is responsible for investigating and prosecuting possible breaches and offences under the <i>Local Government Act 2020</i> , investigating allegations of Councillor misconduct, serious misconduct and gross misconduct, making an application for a Councillor Conduct Panel to make a finding of serious misconduct against a Councillor and making an application to the Victorian Civil and Administrative Tribunal for a finding of gross misconduct by a Councillor.
Conflict of Interest	A Councillor has a: general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty. material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter
Councillor	All references to 'Councillor' include the Mayor, Deputy Mayor and elected members of Campaspe Shire Council.
Councillor Conduct Officer	The person appointed by the Chief Executive Officer under Section 150 of the <i>Local Government Act 2020</i> to: <ul style="list-style-type: none"> Assist the Council in the implementation of, and conduct of, the internal arbitration process of a Council; Assist the Principal Councillor Conduct Registrar to perform the functions specified in Section 149(1); and Assist the Principal Councillor Conduct Registrar in relation to any request for information under Section 149(3).
Councillor Conduct Panel	A panel established under the <i>Local Government Act 2020</i> to hear applications and make findings of alleged serious misconduct by a Councillor.
Gross Misconduct	Behaviour that demonstrates that a Councillor: <ul style="list-style-type: none"> Is not of good character; or Is otherwise not a fit and proper person to hold the office of Councillor, including behaviour that is sexual harassment and that is of an egregious nature.
Misconduct	Any breach by a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct;
Principal Councillor Conduct Registrar	The person appointed by the Secretary under Section 148 of the <i>Local Government Act</i> to receive applications for the establishment of Councillor Conduct Panels.
Serious Misconduct	Serious misconduct means any of the following: <ul style="list-style-type: none"> The failure by a Councillor to comply with the Council's internal arbitration process; or The failure by a Councillor to comply with a direction given to the Councillor by an arbiter; or The failure of a Councillor to attend a Councillor Conduct Panel; The failure of a Councillor to comply with a direction of a Councillor Conduct Panel; or Continued or repeated misconduct by a Councillor after a finding of misconduct; or

Councillor Code of Conduct

	<ul style="list-style-type: none">• Bullying by a Councillor of another Councillor or a member of Council staff; or• Conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or a member of Council staff; or• The disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information; or• Conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff; or• The failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with this Act.
<i>The Act</i>	All references to 'the Act' are to the <i>Local Government Act 2020</i> .