

Contents

1.	Apologies.....	3
2.	Declaration of Interests	3
3.	Councillor Code of Conduct	4
4.	Close Meeting	6

Attachments

3.	Councillor Code of Conduct	7
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Agenda



For a special meeting of the seventh Campaspe Shire Council to be held on Tuesday 3 March 2020, commencing at 9:30am 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 Shire of Campaspe is the traditional lands of the Dja Dja Wurrung, Taungurung and Yorta Yorta Peoples.

We respect and acknowledge their unique Aboriginal cultural heritage and pay our respect to their ancestors, descendants and emerging leaders as the Traditional Owners of this Country.

We acknowledge their living culture and their unique role in the life of this region.

Meeting Procedures

Please ensure that all electronic devices 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.

Those people who have requested to speak to an item will be allowed five minutes to address Council. Speakers will be notified with a bell when there is 60 seconds remaining. Speakers must only speak in relation to the subject stated on their application and shall not debate the issue with Councillors and officers. Councillors are able to ask questions of the speaker on points of clarification.

Speakers are advised that they do not enjoy any special protection from defamation arising from comments made during their presentation to Council and should refrain from voicing defamatory remarks or personal defamatory statements against any individual. Speakers will be treated with respect when addressing Council. I ask that the same respect is extended to Councillors and officers.

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. Councillor Code of Conduct

Author:

Fleur Cousins, General Manager Corporate Services

Attachments:

- 3.1 Councillor Code of Conduct – revised copy
 - 3.2 Councillor Code of Conduct – current with tracked changes
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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. **Having reviewed the proposed amendments, adopt the revised Councillor Code of Conduct at Attachment 3.1.**
 - 2. **Ensure all Councillors sign the declaration, witnessed by the Chief Executive Officer, to abide by the Councillor Code of Conduct adopted at the Special Council meeting held on 3 March 2020.**
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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 regarding 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 is 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 1989* states:

A Council must, within the period of four 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.
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A review of the current Councillor Code of Conduct has been undertaken and a number of amendments have been identified to provide clarity of Councillor expectations and also reflect changes to the current policy environment of Council.

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. **Expand the Confidential Information clause to include complaints made under the Code's internal dispute resolution procedure.**

The clause includes an additional point that specifies Councillors are to maintain the confidentiality of complaints raised through the dispute resolution processed outlined in the Councillor Code of Conduct during the investigation period and until such time that a recommendation or outcome is required to be reported to Council.

2. **Update the Communication clause to clarify responsibilities in relation to media interactions.**

The current clause has been updated to reflect the role of the Mayor as the principal spokesperson of the Council in relation to Council decisions, policies and projects and the Chief Executive Officer is the principal spokesperson of the organisation. The clause clarifies responsibilities of engaging in media comments in line with Council policies.

3. **Update the Conflict of Interest Procedures**

Clause 14 (1)(c) of the Councillor Code of Conduct has been updated to align with the wording of the *Local Government Act 1989*.

4. **Update of the Dispute Resolution clause**

The dispute resolution clause has been updated to reflect the role of the Mayor in providing a leadership and facilitation role in the management of disputes amongst Councillors, particularly prior to the invoking of dispute resolution procedures and in Phase 1 – Direct Negotiation.

The clause also updates references to the Principal Conduct Officer and clarifies that their role is to support the administration of the process for Phase 2 – External Mediation and Phase 3 – Internal Resolution Procedure – Arbiter.

5. **References to current Policies and Legislation**

The Councillor Code of Conduct has also been updated in a number of clauses to reflect changes to current policy titles and content and legislation references.

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

Strong and Engaged Communities	No impact
Resilient Economy	No impact
Healthy Environment	No impact
Balanced Services and Infrastructure	No impact
Responsible Management	The Councillor Code of Conduct is a requirement of the <i>Local Government Act 1989</i> . The review of the code and proposed amendments ensure that the Code aligns with the current legislative and policy environment that Council operates within.

10. Consultation

Internal consultation:

- Executive Management Group – 29 January 2020

Councillors:

- Councillors at the 11 February 2020 Council Briefing Session.
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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

DECLAN MOORE

CHIEF EXECUTIVE OFFICER