

# Contents

1. Apologies .....	413
2. Declaration of Interests .....	414
3. Councillor Code of Conduct .....	415
4. Close Meeting .....	417

## Attachments

3. Councillor Code of Conduct .....	418
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# Minutes



Minutes of the open section of the seventh Campaspe Shire Council Special Meeting held on Tuesday, 3 March 2020, commencing at 9:31am at the Council Chambers, Echuca Civic Centre.

## Present

Councillors	Officers
Cr Adrian Weston (Mayor)	Declan Moore – Chief Executive Officer
Cr Vicki Neele (Deputy Mayor)	Fleur Cousins – General Manager Corporate Services
Cr Daniel Mackrell	Jason Deller – General Manager Infrastructure Services
Cr Kristen Munro	Paul McKenzie – General Manager Regulatory and Community Services
Cr Neil Pankhurst	Keith Oberin – General Manager Economic and Community Development
Cr Leanne Pentreath	Frank Crawley – Governance Manager
Cr Annie Vickers	Sandra Ennis – Communications Manager
Cr Leigh Wilson	Chris Hawking – Communications Officer
Cr John Zobec	Sharolyn Taylor – Council Support Officer

## Business

### 1. Apologies

Nil

## 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.

Nil

### 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.

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**2. COUNCILLORS PANKHURST / NEELE****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.**

**CARRIED**

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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

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**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*.

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**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.

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**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
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- (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.

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.

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## 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.

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## 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.

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## 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

There being no further business, the meeting concluded at 9:47am.



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**Cr Adrian Weston**

**Mayor**