

Completed Projects	\$	Status
Buxton Drainage Study	132,588	Works completed and grant acquittal to be finalised.
Toolangi All Purpose Track	6,582	Works completed and grant acquittal to be finalised.
Marysville Drainage	873	Works completed and grant acquittal to be finalised.
Pioneer Reserve BBQ Shelter & Toilets	1,059	Works completed and grant acquittal to be finalised.
Toolangi & Castella Central Park	3,151	Works completed and grant acquittal to be finalised.
Projects currently in progress		
Yea Shire Hall - Upgrade	124,982	Construction well underway completion expected completion early 2014
Playground Renewal at Tumbling Waters	9,164	Final site works to be completed at Tumbling Waters and expected completion by December 2013
Yea Railway Station Building roof repairs	25,000	Works are 90% complete expected completion by November 2013
Y Water Centre	-104,392	Construction well under way completion expected first quarter of 2014. This figure is negative as project proceeded ahead of schedule.
Gravel Roads - Resheeting	147,846	Project completed under budget however the Roads to Recovery grant will be used to expand the current year's program which is due to commence from September 2013.
Sealed Road - Renewal & Major Patching	266,120	Works remaining involve final seal on Break O' Day Road which will be carried out in warmer temperatures post Christmas.
Bridge / Component Renewal	571,236	Breakaway Bridge is now complete and Allandale Bridge has been prefabricated and works will commence on site late September.
Marysville Community Centre Stage 2	7,382	Construction of car parking underway and completion expected in October 2013.
Marysville Town Amenity Project	45,854	This expenditure is incorporated within the tender package of works including the Marysville Community Centre Car Park and will be completed in October 2013.
Gallipoli Park Stage 2	90,643	A contractor has been appointed to undertake the balance of these works in the Marysville Skate Park precinct. All works to be completed by December 2013
Marysville Heart	14,633	This expenditure is incorporated within the tender package of works including the Marysville Community Centre Car Park and will be completed in October 2013.
Narbethong Reserve	32,724	Minor works required before completion and grant acquittal
Marysville Community Centre Fit Out	3,042	Awaiting final invoice from Gallipoli Park CoM to fully expend the grant. Expect to finalise in October 2013.
1000 Hands Project Marysville	12,614	Project has achieved practical completion with tile sealing and grouting required to finalise. Expected completion October 2013.
Gallipoli Park Pavilion - Rebuild	94,547	This is the balance of the insurance contribution towards the Marysville Community Centre project. Construction of car parking underway and completion expected in October 2013.
Buxton Streetscape	33,692	Car parking works yet to be completed adjacent to the Buxton Hall.
Marysville Retirement Village - Rebuild	4,980	Minor works to be identified

Physical works to commence		
Marysville Transfer Station/Depot - Rebuild	13,902	Replacement fencing expected to be completed in September 2013
Gallipoli Park - Cricket nets	27,800	Scope of works currently being developed
Safer Roads Programme	6,919	Molesworth – Dropmore Road works complete with signage rationalisation on Jerusalem Creek Rd to be completed.
Vegetation Offset Projects	35,000	Amount carried forward as part of investigative works into council’s vegetation offset liability and subject to future Council report.
Essential Safety Services System	40,000	Scope and request for tender currently being prepared. Finalisation expected March 2014
Alexandra Transfer Station	5,000	Scope of works to be developed
Yea Community Shed	18,182	Funds transferred from user group requesting Council complete works with completion expected by June 2014
Kinglake Lions Park	12,823	This works is to provide CFA access to water tanks and expected to be completed by November 2013
Drainage - Network Expansion Yea	86,432	Works currently in design and tender phase will be delivered early 2014 during summer period.
Green Street, Alexandra	5,800	Design complete quotations to be called and will be delivered in conjunction with Bon Street kerb renewal with expected completion in first quarter of 2014.
Kerb Renewal- Bon Street	65,814	Bon Street -quotations to be called and will be undertaken with works on Green Street.
Footpaths - Missing Links	8,753	Scoping and design currently underway for the Kinglake Path from Kinglake RAC to Edward Staff Drive.
Topsie Gully Road upgrade	40,316	Works held over due to inactivity at quarry and will be undertaken early 2014.
Road Safety - streetlighting	15,506	Carried forward for street lighting and road safety initiatives.
Strath Creek Community Hall	14,065	Rectification works to be undertaken at the Hall.
Works no longer needed		
Strath Creek Intersection Upgrade	10,000	Strath Creek intersection works to be re allocated as no longer considered a priority by VicRoads.
Other capital expenditure		
Document Management	18,086	System implementation over two years
Library Bookstock - Adult	3,967	Expenditure expected by June 2014 as part of annual program
Library Bookstock - Junior	728	Expenditure expected by June 2014 as part of annual program
Purchase Major Plant & Machinery	727,650	Plant replacement programme to be reviewed with a report to Council planned for November 2013 to identify future savings.
Purchase of Passenger Vehicles	263,885	Some items of fleet were delayed and some items were not replaced prior to 30 June 2013.
Total	2,944,948	

Murrindindi Shire Council Policy

Title: Councillor Code of Conduct
Type: Council
File No: "[Insert file number]"
Date Adopted: 25 September 2013

Next Review Date: September 2017

Revision History:

Date	Action	Who
25 September 2013	Adopted	Council

1. Purpose

Murrindindi Shire Council is constituted under the Local Government Act 1989 (the Act) and the Council is accountable to the residents of this municipality and to the Victorian Government. All Councils are required to 'develop and approve a Code of Conduct for the Council.'

2. Rationale

The community expects local government to provide fair, accurate and unbiased advice, to act promptly and effectively and to manage assets efficiently. To assist in meeting these expectations, section 76C of the Act requires Councils to adopt a Code of Conduct to be observed by Councillors and delegates of the Council.

As a result, the Murrindindi Shire Council has two Codes of Conduct – one for Councillors and one for staff and representatives of Council. The two codes clearly distinguish the expectations of Councillors as elected representatives, from those of staff who are employed by the Council. The principles are the same, but the wording differs to reflect the distinctions that exist and the requirements of the Act.

This Code clearly outlines the responsibilities and behaviours that are to be observed in keeping good faith and the trust of fellow councillors, staff and the public. It is important that all Councillors understand and comply with the Code forming part of this Policy.

3. Scope

The primary purpose of Council is to provide service to the community and the individuals within that community.

The principal policy relating to Council's service role provides that:

- the Council is a service organisation for the residents and businesses of its area;
- the Council exists to assist each individual residing in its area, consistent with the common good and its legal responsibilities; and
- the Council plays a leadership role in developing policy and strategy for the benefit of the organisation and community.

This Code of Conduct applies to any Councillor of Murrindindi Shire Council.

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4. Policy

All Councillors are required to adhere to the standards of behaviour contained in the Councillor Code of Conduct (2013), the Council values and all related policies.

The Councillor Code of Conduct will be regularly reviewed and easily accessible to all members of the public.

5. Supporting Documents

Local Government Act 1989

Local Government and Planning Legislation Amendment Bill 2010

Good Governance Guide 2012

6. Related Policies

Confidentiality and Privacy Policy

Councillor Portfolio Policy

Councillor Reimbursement Policy

Election Caretaker Policy

Employee Conduct Policy

Information Privacy Policy

Prevention of Bullying and Occupational Violence Policy

Protected Disclosure Policy

7. Governance

It is the responsibility of all Councillors to ensure that this policy and the Councillor Code of Conduct are implemented. The Policy and the Code of Conduct will be monitored by the Mayor and Chief Executive Officer.

8. Portfolio and/or Riding Councillor Input

Input has been received from all Councillors.

9. Responsible Officer

Chief Executive Officer

10. Human Rights Charter

This policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.



Councillor Code of Conduct

A Guide to conduct for Murrindindi Shire Councillors

September 2013

Unanimously adopted by Councillors on 25 September 2013

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INTRODUCTION

Murrindindi Shire Council is constituted under the Local Government Act 1989 (the Act) and the Council is accountable to the residents of this municipality and the Victorian Government.

The community expects local government to provide fair, accurate and unbiased advice, to act promptly and effectively and to manage assets efficiently. To assist in meeting these expectations, section 76C of the Act requires Councils to adopt a Code of Conduct to be observed by Councillors and delegates of the Council.

As a result, Murrindindi Shire Council has two codes of conduct – one for Councillors and one for staff of Council. The two codes clearly distinguish the expectations of Councillors as elected representatives, from those of staff who are employed by the Council. The principles are the same, but the wording differs to reflect the distinctions that exist and the requirements of the Act.

This Code clearly outlines the responsibilities and behaviours that are to be observed in keeping good faith and the trust of fellow councillors, staff and the public. It is important that all Councillors understand and comply with the Code forming part of this Policy.

COUNCIL AS A SERVICE ORGANISATION

The primary purpose of Council is to provide service to the community and the individuals within that community.

The principal policy relating to Council's service role provides that:

- the Council is a service organisation for the residents and businesses of its area;
- the Council exists to assist each individual residing in its area, consistent with the common good and its legal responsibilities; and
- the Council plays a leadership role in developing policy and strategy for the benefit of the organisation and community.

DECISION MAKING PROCESSES

Murrindindi Shire Council is committed to transparent decision making. Good decision making requires good information; the key to good information is following procedures that are put in place. Transparency in the decision making process means that it is not only the decision makers but also the observers have a clear understanding of what has occurred.

The key stages in the decision making process are as follows:

- Setting the Agenda
- Information Gathering
- Forming an Opinion
- Making the Decision
- Implementing the Decision

Respect for Other Councillors' Views

Informed decision making and ultimately good governance is derived from healthy debate through the exchange of views by Councillors in the Council Chamber.

Whilst Councillors will sometimes disagree with the views of their colleagues, good decision making will be enhanced if those views can be heard and considered.

All Councillors are given an opportunity to respond to the views of others. Such response should be in a well spirited and responsible manner so as to promote good debate and should ultimately lead to good decision making.

Respect for Council Decision

Council decisions result from a majority of Councillors voting in a particular way. Not all decisions are unanimous and something the chairperson will be required to exercise a casting vote.

Unless subsequently revoked or amended, a decision of Council is legally binding on the organisation.

Without compromising the rights of minority Councillors to maintain opposition to a Council decision, those Councillors must nonetheless accept and respect the decision arrived at by their colleagues via a democratic process in the Council Chamber.

COUNCILLOR CODE OF CONDUCT

This Councillor Code of Conduct was adopted by resolution of the Murrindindi Shire Council on 25 September 2013 in accordance with section 76C of the Local Government Act 1989.

The code of conduct applies to all Councillors and relates to the performing of Council functions and purposes and all the various forms of decision-making processes. It supports all the requirements of the Act.

Operation

A copy of the Code of Conduct is given to all Councillors upon being elected into office and is an integral component of the induction process for new Councillors. This conveys the obligations placed on, and the behaviours expected of Council and each individual Councillor. Any breaches of the code are published in Council's annual report.

The code must be reviewed within 12 months of each Council general election, and hence this new Councillor Code of Conduct has been adopted within 12 months of the 2012 general election.

An electronic version of the Code of Conduct is available on Council's intranet and internet sites. A copy of the code is also available for inspection at each of Council's offices and Libraries.

Preliminary

The wording used in this section of the Code of Conduct is drawn from the Local Government Charter (sections 3B and 3D of the Act.)

Murrindindi Shire Council consists of the Councillors who are democratically elected by the voting members of the Murrindindi community in accordance with the Local Government Act 1989 (The Act).

The role of the Council is to provide leadership for the good governance of the Shire of Murrindindi. It includes:

- a. acting as a representative government by taking into account the diverse needs of the local community in decision-making;
- b. providing leadership by establishing strategic objectives and monitoring their achievement;
- c. maintaining the viability of the council by ensuring that resources are managed in a responsible and accountable manner;
- d. advocating the interests of the local community to other communities and governments;
- e. acting as a responsible partner in government by taking into account the needs of other communities; and
- f. fostering community cohesion and encouraging active participation in civic life.

CONDUCT OF COUNCILLORS

Primary Principle of Councillor Conduct

It is a primary principle of Councillor Conduct that, in performing the role of a Councillor, a Councillor must comply with section 76B of the Act which states that a Councillor must:

- a. act with integrity; and
- b. impartially exercise his or her responsibilities in the interests of the local community; and
- c. not improperly seek to confer an advantage or disadvantage on any person.

General Councillor Conduct Principles

In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must comply with section 76BA of the Act which states that a Councillor must:

- a. avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- b. act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- c. treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, council officers and other persons;
- d. exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- e. endeavour to ensure that public resources are used prudently and solely in the public interest;
- f. act lawfully and in accordance with the trust placed in him or her as an elected representative;
- g. support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

Legislation and Murrindindi Shire Council

In line with the above legislation Murrindindi Shire Council therefore affirms the following principles of behaviour.

All Councillors will:

- always act with integrity and honesty by:
 - being honest in all dealings with the public, with other Councillors and with council staff;
 - always acting with impartiality and in the best interests of the public;
 - not acting in ways that may damage the Council or its ability to exercise good government;
 - exercising reasonable care and diligence in performing their functions as Councillors; and
 - complying with all relevant laws, be they federal, state, local laws or Council policy;
- not make improper use of their position or of information acquired because of their position to:
 - gain or attempt to gain directly or indirectly an advantage for themselves or for any other person; and
 - cause, or attempt to cause, damage to Council; and
- treat all people with courtesy and respect, recognising there are legitimate differences in opinion, race, culture, religion, language, gender and abilities. This includes:

- treating members of the community with dignity and seeking that neither offence nor embarrassment is caused;
- treating fellow councillors with respect, even when disagreeing with their views or decisions;
- ensuring punctual attendance at Council meetings; and
- acting with courtesy towards council staff and avoiding intimidating behaviour.

Promoting Wellbeing in the Workplace

In line with Occupational Health and Safety, Human Rights and Equal Opportunity legislation, Council is committed to protecting the health, safety and well-being of all Councillors and staff and will provide, as far as practicable, a safe Council working environment that is free from bullying and violent behaviour.

Council has a Prevention of Bullying and Occupational Violence Policy in place.

Councillors are expected to promote an environment of well being in the workplace and ensure all people in the workplace, which includes Councillors, staff, visitors and customers, are treated with respect and report any acts or suspected acts of bullying and violence to the Chief Executive Officer. Councillors themselves will treat all people with courtesy and respect recognising there are legitimate differences in opinions, race, culture, religion, language, gender and abilities.

DEALING WITH COUNCIL PROPERTY

Use of Council Facilities, Funds, Equipment, Staff and Intellectual Property

Councillors will:

- be honest when using council's facilities, funds, employees, materials and equipment and not misuse them nor allow them to be misused, particularly outside of adopted or accepted guidelines or practices;
- ensure that Council resources are used effectively and economically; and
- not use Council resources or utilise Council employees for private use or gain; and
- ensure that claims for out of pocket expenses are accurate and relate strictly to Council business as defined in the Councillor Reimbursement Policy.

Internet and Email

Councillors with access to council-provided Internet services and email addresses are provided access on condition they note and acknowledge the following:

- The Internet service is provided for council business purposes, although limited private use is available to conduct personal matters. Withdrawal to an individual may take place if private access to Internet facilities is considered to be excessive or where it unreasonably interferes with the operation of council facilities.
- Internet users are prohibited from accessing and/or downloading any material which is offensive or likely to be considered offensive, unlawful, or which may expose council to risk or harm, or which breaches Council's agreement with its Internet service provider, or may bring council into disrepute.
- Material may only be downloaded and/or distributed after all anti-virus procedures are first adhered to, including the vetting of attachments to email messages.
- Email users must not distribute any electronic messages received (whether text, images or sound or any combination) which are offensive or likely to be considered offensive, unlawful, or which may expose Council to risk or harm, or which breaches Council's agreement with its Internet service provider, or may bring Council into disrepute.
- Any email sent from a Councillor to a Council officer (or which includes a Council officer in its distribution) will be registered as part of the Electronic Document Management System by the Council Officer and therefore becomes a Council record and is treated accordingly.
- Any email message received which contains racist, sexist, obscene or offensive material must be immediately deleted and not distributed, copied or made available to any other person unless required by law.
- Any email message sent outside the organisation must contain the name, business title and contact details of the sender in the appropriate corporate style.
- Users should recognise that email is not a secure method to transmit sensitive information and therefore an alternative option of sending such information should be used.

Mobile Phone

Councillors with a Council-provided mobile phone are only provided access on condition that they note and acknowledge that users are prohibited from using the service to send, access, and/or distribute any material (whether text, images or sound or any combination) which is offensive, unlawful, or reasonably likely to be considered offensive, or which may expose Council to risk or harm, or may bring the Council into disrepute.

Corporate Credit Cards

The Mayor is provided with a Council credit card which is only provided on condition that the card is to be used for business purposes only and in accordance with Council's Corporate Credit Card Policy and the Councillor Reimbursement Policy.

Information and Intellectual Property

Past or present Councillors may not make unauthorised use of council's information or intellectual property.

CORPORATE OBLIGATIONS

Handling and Use of Confidential and Personal Information

Councillors must not:

- use information gained by virtue of being a councillor for any purpose than to exercise their role as a Councillor;
- release or use information deemed “confidential information” in accordance with section 77 of the Act for their own or any other person’s advantage;
- discuss, distribute or allow to be communicated to another party any “confidential” information, where marked as such or which by its content could be reasonably considered to be of a confidential nature; and
- use information to cause harm or damage to any person, body or the Council.

Councillors who handle personal information, especially information falling within the scope of the Information Privacy Act 2000 and the Health Records Act 2001, must ensure they fully understand the requirements regarding the handling and use of personal information set out under those Acts, associated regulations and Council policies and procedures. “Personal information” includes any information about an identifiable individual.

Councillors must understand that they are subject to Information Privacy Principles both as members of Council and as individual public officials. Council’s requirements are set out in its Confidentiality and Privacy Policy.

Councillor Identification and Security

Councillors will be given identification tags and security access cards as required. For security purposes, the identification supplied must be worn at all times when carrying out Council activities.

Misuse of Position

In performing the role of a Councillor, a Councillor must comply with section 76D of the Act which states that a person who is, or has been, a Councillor must not misuse his or her position:

- (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- (b) to cause, or attempt to cause, detriment to the Council or another person or organisation.

Circumstances involving the misuse of a position by a person who is, or has been, a Councillor are described in section 76D of the Act and include making improper use of information acquired as a result of their position, disclosing confidential information within the meaning of section 77(2), exercising or performing a power, duty of function that they are not authorised to do or using public funds or resources in a manner that is improper or unauthorised.

Improper Direction and Improper Influence

In performing the role of a Councillor, a Councillor must comply with section 76E of the Act which states that a Councillor must not improperly direct or improperly influence or seek to improperly direct or improperly influence, a member of Council staff in the exercise of any power or in the performance of any duty or function by the staff member.

Relationships with Council Staff

As detailed in Section 94A of the Local Government Act, the CEO is responsible for the staff of Council which includes appointing, directing and dismissing staff. Councillors have no right to

individually direct staff to carry out particular functions. Councillors will advise the CEO if they have concerns that staff have taken action contrary to a formal policy or decision of Council. Councillors will not involve themselves in any personnel matter relating to staff, except for the Chief Executive Officer.

The information provided to one Councillor should be equally available to other Councillors and no treatment that is unequal should be sought from any staff member. Councillors must respect the role of Council officers and employees and treat them in a way that engenders mutual respect at all times. Councillors will act with courtesy towards Council staff and avoid intimidating behaviour.

Disclosure of Improper Conduct

Council has adopted a Protected Disclosure Policy in order to encourage and facilitate disclosures of improper conduct or detrimental action.

The Protected Disclosure Policy provides for the receipt and effective management of information relating to a Councillor or a Council officer engaging in improper conduct or detrimental action. It ensure that effective processes are in place to support people who have made protected disclosures, those who may be the subject of a protected disclosure and those who maybe a witness in an investigation.

Conflict of Interest Procedures

Council is committed to making all decisions impartially and in the best interests of the public. Council recognises the importance of fully observing the requirements of the Act relating to the disclosure of interests and conflicts of interest. Council also recognises that there may also be potential or perceived direct or indirect conflicts of interest that need to be considered by Councillors.

A councillor has a conflict of interest in respect of a matter if they have a direct or indirect interest in the matter. Under the Act, Councillors must disclose whether their interest is direct or indirect and the grounds by which they have classified that interest.

A direct interest exists in a matter if there is reasonable likelihood that the benefits, obligations, opportunities or circumstances of the Councillor would be directly altered if the matter is decided in a particular way. Direct interests are prescribed under section 77B of the Act.

Indirect interests are more complex and comprise six categories:

- By close association – this arises where a family member of the Councillor has a direct interest or an indirect interest in a matter; or a member of his or her household has a direct or indirect interest in the matter.
- An indirect financial interest – this arises if the Councillor is likely to receive a benefit or incur a loss as a consequence of the benefit or loss of another person who has a direct or indirect interest in the manner.
- Conflicting duties – this arises if the Councillor is the manager, partner, consultant, contractor, agent, employee, trustee or a member of a governing body of a company or body that has a direct interest in a manner.
- Receipt of an applicable gift – this arises when the Councillor has received one or more gifts with a total value, or more, of the gift disclosure threshold (currently \$500) within the five years preceding the decision of the Councillor from a person who has a direct interest.
- As a consequence of becoming an interested party – this arises when the Councillor becomes an interested party in the matter by initiating or becoming a party to civil

- proceedings in relation to the matter.
- Impact on residential amenity – this arises where there is a reasonable likelihood that the residential amenity of the Councillor will be altered.

Indirect interests are prescribed under sections 78, 78A, 78B, 78C, 78D and 78E of the Act. Councillors must comply with the provisions of section 79 of the Act when disclosing any conflicts of interest which includes the following provisions:

- Councillors will give early consideration to each matter to be considered by Council, to ascertain if they have a conflict of interest. They must notify the Mayor/Chairperson as soon as possible if the matter is to be considered by the Council, as well as the Chief Executive Officer.
- Councillors will disclose whether they intend to be present at a meeting where a matter in which they have a conflict of interest has arisen.
- If Councillors consider that they have a conflict of interest in a matter before Council at a meeting at which they are attending, they will clearly state the nature of their interest at the beginning of each meeting and immediately before each matter is considered. The Councillor will leave the room prior to the matter being considered and will remain outside the room and gallery while the matter is being considered and any vote is taken.
- If Councillors cannot confidently say that they do not have a conflict of interest they should disclose a possible conflict and comply with the relevant requirements as if they had a conflict of interest.

Councillors should recognise that while they may seek advice about a possible conflict of interest, the legal onus rests entirely with them.

Assembly of Councillors

An assembly of Councillors is a planned or scheduled meeting comprising at least half the Councillors and one member of council staff.

If a Councillor attending an assembly of Councillors knows that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79 of the Act, the Councillor must disclose to the assembly that he or she has a conflict of interest and leave the assembly while the matter is being considered.

The provisions for requirements to be observed by assemblies of Councillors are provided under 80A of the Act. The Chief Executive Officer will ensure that a written record of assemblies of Councillors is kept in accordance with the Act and reported to the next available Council meeting.

Gifts and Bribery

Councillors must not seek or accept any immediate or future reward or benefit in return for performance of any duty or work for the Council.

Under the provisions of section 78C of the Act, Councillors can be seen to have an indirect interest if they have received an applicable gift or gifts with a total value of \$500 or more directly or indirectly from –

- a person who has a direct interest in the matter; or
- a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or
- a person who gives the applicable gift to the person on behalf of a person, company or body that has a direct interest in the matter.

In addition to disclosing an interest in this instance, any gift, good, service or other item of value worth \$500 or more that is offered by an external person, company or body, whether accepted or returned, must be promptly reported on the appropriate disclosure form to the Chief Executive Officer. This includes token gifts and acts of hospitality.

A record of gifts and other considerations is required for the reporting of fringe benefits tax and is kept by the Chief Executive Officer.

Fraud and Corruption

Murrindindi Shire Council is committed to preventing fraud in the Council workplace and functions under the guidelines of its Fraud Prevention and Control Policy.

All Councillors should take appropriate action to prevent fraud and corruption particularly within their area of responsibility and in line with the abovementioned Policy. Any suspected fraud and/or corruption is to be reported immediately to the Chief Executive Officer.

Council will take steps to protect Councillors who make honest reports. Strong protection is also available through Council's Protected Disclosure Policy.

Public Communications

The Mayor is the official spokesperson of the Council. Councillors will also be provided the opportunity to make comment on behalf of Council on particular issues, either as the Ward Councillor or the Portfolio Councillor.

A Councillor may provide a personal public comment however it is important to recognise and acknowledge that this is an individual viewpoint and may not represent the view of the Council.

DISPUTE RESOLUTION PROCEDURES AND COMPLAINTS

Disputes Between Councillors

Councillors should be mindful that having and expressing differing and sometimes opposing viewpoints is a normal function of the process of democratic local government. Sharing and expressing these different views leads to informed and well considered debate. All Councillors have the right to influence the decisions made by Council through this debate.

Therefore, having differing views, politics or attitudes from other Councillors is not considered a conflict or a dispute and does not require resolution.

Conflict and/or disputes emerge when the differences between Councillors become personal or the behaviour of Councillors towards each other and/or staff is of a nature that threatens the effective operation of Council's decision-making processes.

A dispute may arise between two individual Councillors, between one Councillor and a group of Councillors or between two or more different groups of Councillors. In this dispute resolution process the Councillor or group of Councillors that is seeking a resolution is referred to as 'the Applicant' and the Councillor or Councillors against whom the application is lodged is entitled 'The Respondent'. The following dispute resolution procedure will apply regardless of the dynamics and numbers involved.

Council's dispute resolution process comprises four components. They are:

1. Self-Resolution (Optional)
2. Formal Request for Remedy of Breach
3. External Mediation
4. Request for Councillor Conduct Panel.

1. Self Resolution (Optional)

Where a dispute and a breach of the Code of Conduct arises, the ideal outcome would be for the Applicant and Respondent to have informal discussions in the first instance with a view to resolving any issues without further recourse to this dispute resolution procedure. This may be undertaken informally or alternatively either party may request a discussion with the Mayor acting as an independent arbiter, should the Mayor not be either the Applicant or Respondent. Where either party believes that this step will not achieve a resolution, this step in the dispute resolution process may be by-passed.

2. Formal Request for Remedy of Breach

The Applicant will provide written details of the alleged breach of the Councillor Code of Conduct and the remedy sought to the Mayor for formal consideration. Where the Mayor believes that a breach of the Councillor Code of Conduct has occurred, the Mayor will formally write to the Respondent requesting actions from the Respondent that remedy the perceived breach and provide a time-frame in which the remedy must be implemented.

In the event that the Mayor is either the Applicant or Respondent, the Chief Executive Officer shall perform the role of the Mayor.

3. External Mediation

In the event that the perceived breach of the Councillor Code of Conduct is not remedied within the time- frame established, or where the Respondent does not accept that a breach of the Code has occurred, either the Applicant or Respondent may request that external mediation be implemented. Such applications are to be lodged in writing with the Chief Executive Officer.

Council will secure an external mediator who may be utilised for this purpose. The Applicant and Respondent may both indicate their preferred mediator however the ultimate decision on the mediator will rest with the Chief Executive Officer based on the availability of the mediator and any other circumstances deemed relevant by the Chief Executive Officer.

The Mediator will endeavour to achieve an agreed outcome between the Applicant and the Respondent. Where an agreed outcome is not achieved, the Mediator will be required to provide a written report to the Applicant, Respondent and Chief Executive Officer on the mediation process and an indication from the mediator on why the process did not result in a resolution.

4. Councillor Code of Conduct Panels

Where a resolution to the dispute has not been achieved through the above steps, or where agreed actions have not been implemented or achieved, the Applicant may then lodge a request for the appointment of a Councillor Conduct Panel through the Councils Conduct Panel Registrar (General Manager Corporate and Community Services). All written material lodged in the preceding steps of this dispute resolution process will form part of the application to be lodged seeking the establishment of a Code of Conduct Panel.

Disputes Between Councillors and Staff

The Chief Executive Officer has sole responsibility for the management of Council staff. In the event of a Councillor wishing to lodge a complaint against a member of Council staff, this complaint must be lodged with the Chief Executive Officer. Where the complaint is about the Chief Executive Officer the complaint must be lodged with the Mayor. It will remain the discretion of the Chief Executive Officer or Mayor as to what, if any, action is undertaken.

Where a staff member has a complaint in respect of a Councillor, the complaint must be made to the Chief Executive Officer who will, if deemed appropriate, discuss the matter with the Mayor. Where the Mayor deems a breach of the Councillor Code of Conduct has occurred the Mayor will progress the matter in accordance with this dispute resolution process, acting as the Applicant. Where the complaint involves the Mayor, the Chief Executive Officer will act as the Applicant.

Disputes Between Members of the Public and Councillors

Where a complaint is received from the public in respect of a Councillor, the matter shall be referred to the Mayor for consideration. Where the Mayor determines a breach of the Councillor Code of Conduct has occurred, the Mayor will progress the matter in accordance with this dispute resolution process acting as the Applicant. Where the complaint involves the Mayor, the Chief Executive Officer will act as the Applicant.

ENFORCEMENT OF THE CODE OF CONDUCT

In the case of disputes and suspected breaches of the rules of conduct within Council there will be a fair means of internally investigating and determining these as outlined in this Code of Conduct. Any investigation will include the exercise of discretion, impartiality and consideration of the best interests of the Council and the organisation.

Councillor Misconduct

Section 81B of the Act provides for the application for a Councillor Conduct Panel (CCP) to investigate alleged Councillor misconduct. This application can be made by a Councillor, a group of Councillors or Council as a whole. An investigation into misconduct or a breach of the Act by a Councillor will be conducted according to Sections 81C-S of the Act.

Determinations by a CCP or VCAT will be tabled at the next Ordinary Meeting of Council and recorded in the minutes of that meeting.

STATEMENT OF CARETAKER PROCEDURES

Murrindindi Shire Council has adopted an Election Caretaker Policy.

This Policy will be reviewed in June 2015 prior to the next Council general election.

REFERENCES

The Code of Conduct has been developed in accordance with the Local Government Act 1989 and its subsequent amendments.

Further information can also be obtained from the Good Governance Guide 2012.

Murrindindi Shire Council has a number of Policies that support the implementation of the Code of Conduct. These can be obtained from the Council offices and include:

- Confidentiality and Privacy Policy
- Councillor Portfolio Policy
- Councillor Reimbursement Policy
- Election Caretaker Policy
- Employee Conduct Policy
- Information Privacy Policy
- Protected Disclosure Policy

Murrindindi Shire Council

Youth Charter

Supporting the needs and aspirations of young people



Murrindindi
Shire Council

Display youth friendly flyers, pamphlets
or posters to share what council does

Encourage young people to have a say
in a broad range of areas

Offer a range of youth activities and events

Support young people to run activities

Celebrate young people's accomplishments

Utilise social media

Arrange conversations and build relationships

where young people feel most comfortable