



MINUTES
of the
SPECIAL MEETING OF COUNCIL
held on
WEDNESDAY 27 APRIL 2016
in the
ALEXANDRA CHAMBERS
commencing at
6.00 pm

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1. PRAYER, OATH & RECONCILIATION STATEMENT

The meeting was opened with Prayer and reading of the Oath and Reconciliation Statement.

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

REF: SF/306

Apologies were received by Cr C Challen.

Present:

Crs M Rae (Chair), A Derwent, J Kennedy, J Walsh, E Lording, C Healy

In attendance:

Chief Executive Officer: Margaret Abbey

General Manager Infrastructure and Development: Elaine Wyatt

Manager Business Services: Andrew Bond

Manager Communications Library & Customer Services: Jacqui Rabel

Manager Development Services: Shivaun Brown

Coordinator Statutory Planning: Karen Girvan

Governance Officer: Audrey Kyval

RESOLUTION:

Cr J Kennedy / Cr J Walsh

That Council accepts Cr C Challen's apology.

CARRIED

3. OFFICER REPORTS

3.1 COUNCILLOR CODE OF CONDUCT

REF: 16/17365

Attachment: Councillor Code of Conduct April 2016 (refer *Attachment 3.1* - TRIM 16/15095)

Purpose:

The purpose of this Agenda Item is to review and adopt the Councillor Code of Conduct as required under recent amendments made to the *Local Government Act 1989*.

Officer Recommendation:

That:

- 1) Council review and adopt the "Councillor Code of Conduct April 2016" (Attachment 3.1); and
- 2) Councillors by 27 May 2016 declare in writing and witnessed by the Chief Executive Officer that they will abide by the "Councillor Code of Conduct April 2016" in adherence with *Section 76C(6A) of the Local Government Act 1989*.

Background:

All Councils are required to 'develop and approve a Code of Conduct for the Council'. The Council must review, and make any necessary amendments to the Code of Conduct within four (4) months after the commencement of *section 15* of the *Local Government Amendment (Improved Governance) Act 2015* ("the Act") and then within four (4) months of each Council general election.

The stated purpose of the Amendment to the Act is to "*enhance the governance standards of Councils*".

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

Council Plan/Strategies:

The review of the Code of Conduct is consistent with the objectives of the Council Plan 2013-2017 which include under the Our Council Goal the Objective that 'We will deliver quality customer outcomes by continuing to find better ways of doing things'.

Legal/Policy Issues:

Council is required under the *Local Government Act 1989* and the *Local Government Amendment (Improved Governance) Act 2015* to ensure that there is a Councillor Code of Conduct in place and that it is reviewed within four (4) months of the commencement of the Amendment and four (4) months within a General Election of Council.

Financial/Resources/Risk:

The review of Council Policies and codes are undertaken within existing Council resources. The review of this policy will ensure compliance with the recent amendments to the *Local Government Act 1989*.

Discussion:

The Councillor Code of Conduct has been reviewed in line with the requirements under the *Local Government Act 1989* and the *Local Government Amendment (Improved Governance) Act 2015*. The primary legislative changes that are required to be reflected in the revised policy include the requirements of Council to have and review such a policy and the requirement for all existing and future Councillors to declare in writing that they will abide by the adopted policy.

The code also provides more clarity around the responsibility of a Councillor with regard to disclosing or using confidential information and the relevant provisions of the *Privacy and Data Protection Act 2014*. The revised code also provides further detail defining what constitutes the misuse of position as a Councillor, reflecting the changes to the Act.

The code has also been expanded with regard to public communications undertaken by Councillors to reflect Council's communications policy principles and best practice guidelines recommended by the MAV and VLGA.

The new code also details the revised legislation with regard to internal resolution procedures and enforcement of the Code of Conduct to ensure compliance with the amendment to the Act.

Changes have only been made to reflect any alterations in legislation or Council policy principles since the adoption of the previous Councillor Code of Conduct. These include the reflection of the updated Governance Local Law 2, Risk and Safety Policy and Conflict of Interest Policy.

Consultation:

No external consultation was required in the review of the Code of Conduct. Whilst there is no statutory obligation to consult with the community on the Code of Conduct, there is a requirement that it be made available for public inspection.

Conclusion:

The Councillor Code of Conduct Policy is an essential guide to ensure that the Councillors are acting in the best interests of community in their representative role. It is essential that Councillors agree to the terms and abide by the code.

RESOLUTION:

Cr C Healy / Cr E Lording

That:

- 1) Council review and adopt the "Councillor Code of Conduct April 2016" (Attachment 3.1) and on page 7 under the heading of Misuse of Position (second paragraph) inserting the words "For the purposes of s76D of the Act".
- 2) Councillors by 27 May 2016 declare in writing and witnessed by the Chief Executive Officer that they will abide by the "Councillor Code of Conduct April 2016" in adherence with Section 76C(6A) of the Local Government Act 1989.

CARRIED

There being no further items of Business, the Chairperson declared the meeting closed at 6.04 pm.

CONFIRMED THIS

25 May 2016.

CHAIRPERSON

R. L. Rao
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