

Title:	Councillor Values and Councillor and Staff Engagement Protocols
Type of policy:	Council
Adopted:	
Record No:	
Related Documents:	Error! Reference source not found. Error! Reference source not found.

Acknowledgement of Country

Murrindindi Shire Council is proud to acknowledge the Taungurung and Wurundjeri Woi Wurrung people as the traditional owners of the land we now call Murrindindi Shire.

We pay our respects to First Nations leaders and elders, past, present and emerging, who are the keepers of history, traditions, knowledge and culture of this land.

We commit to working in collaboration with traditional owners of this land in a spirit of reconciliation and partnership.

1. Purpose

To establish a framework of Councillor values and protocols that guide Councillor roles and staff engagement, complementing the Model Code of Conduct (Model Code).

2. Rationale

The Model Code of Conduct applies to all Councillors as soon as they take the oath or affirmation or office. Council is unable to amend the Model Code. However, Council can adopt complementary policies and protocols to provide practical guidance on professional conduct, clarify expectations, and strengthen governance by fostering a culture of respect, accountability, and effective decision-making.

These additional protocols help operationalise the Model Code by providing practical guidance on conduct, communication, and collaboration.

3. Scope

This framework applies to all Murrindindi Shire Council Councillors.

4. Definitions

Reference Term	Definition
Model Code of Conduct or Model Code	Means the Model Code of Conduct (Model Code) introduced by the <i>Local Government Amendment (Governance and Integrity) Act 2024</i> .
The Act	<i>Local Government Act 2020</i>

5. Policy

5.1. Councillor Values

In accordance with the Model Code and this framework, Councillors agree to adhere to the highest standard of conduct and behaviour and be guided by the following values:

5.1.1. Compassion

We act with empathy, kindness, and care, ensuring that our decisions and actions prioritise the well-being of our community. We are committed to fairness, inclusion, and equity, treating every member of our community with dignity and respect. We focus on creating opportunities for all to thrive.

5.1.2. Authenticity

We lead with honesty, integrity and sincerity, staying true to our values in all that we do. By fostering trust and transparency in our relationships and decision-making, we build credibility and remain accountable to our commitments.

5.1.3. Resilience

We remain adaptable, innovative, and forward-thinking, demonstrating courage and determination in overcoming challenges and seizing opportunities. With creativity and perseverance, we work to build a strong and sustainable future for our community.

5.1.4. Excellence

We strive for the highest standards in everything we do, guided by strategic leadership and a commitment to delivering meaningful outcomes. Through collaboration, teamwork, and reliability, we build strong relationships and ensure that our efforts achieve the best possible results for our community.

5.2. Councillor interactions protocol

This document and attached Councillor and Staff Engagement Protocols provide guidance to Councillors on adherence to the Model Code and legislated requirements. Councillors agree to adhere to the protocols and guidelines contained in Attachments 1 to 6, when carrying out their role.

6. Related Policies, Strategies and Legislation

- *Local Government Act 2020*
- *Local Government Amendment (Governance and Integrity) Act 2024.*
- Model Councillor Code of Conduct
- Council policies published on Council's website
- Vehicle Policy
- Driver Safety Policy
- Health and Safety Policy
- Occupational Health and Safety Policy
- Smoke Free Workplace Policy
- Use of Information and Communication Technology Policy

7. Council Plan

The Protocols contained in this document align with and support Council Plan 2021-2025 Strategic Objective 5.1.5 to 'Maintain transparent, inclusive and accountable governance practices'.

8. Management and Review

This document will be reviewed by Council following each local government general election.

9. Consultation

No public consultation was required in the writing or reviewing of this policy.

10. Human Rights Charter and Gender Impact Assessment

This framework has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities 2006 and is consistent with the recognition and equality before the law (s.8), privacy and reputation (s.13) freedom of thought, conscience, religion and belief (s.14), freedom of expression (s.15), and fair hearing (s.24).

This document has been developed with consideration of the criteria which inspires equality under the *Gender Equality Act 2020*.

Attachment 1 – Performing the role of Councillor

1.1. Purpose

The purpose of this protocol is to provide clear guidance on the role of the Mayor, Deputy Mayor and Councillors.

1.2. Role of the Mayor

The Mayor is Council's leader and is specifically required under the Act (s.18) to:

- chair Council meetings
- be Council's principal spokesperson
- lead community engagement in the development of the Council Plan
- report to the community, at least once each year, on the implementation of the Council Plan
- promote Councillor behaviour that is consistent with the Model Code
- assist Councillors to understand their role
- take a leadership role in ensuring regular CEO performance reviews
- provide advice to the CEO in setting Council Meeting agendas
- perform civic and ceremonial duties on Council's behalf.

The Mayor is also required to:

- facilitate good relationships between Councillors, and Councillors and the CEO.
- perform the role of Council spokesperson
- play a significant ceremonial role at events, including citizenship ceremonies.
- perform the role of community leader and spokesperson on major issues that affect the community (such as commenting on the impact of jobs lost or gained in the municipality) or when the community is under stress (such as disaster management and socio-economic issues).
- Promote good conduct and manage poor conduct amongst Councillors.
- Oversee the internal dispute resolution process in accordance with the Governance Rules and promote fairness and natural justice.

1.3. Role of the Deputy Mayor

The Deputy Mayor plays an important role working alongside the Mayor to promote good governance, a culture of teamwork and positive working relationships with fellow Councillors. The Deputy Mayor also provides an important additional reference point for the Mayor.

Under Section 21 of the Act, the Deputy Mayor must perform the role of Mayor and may exercise the powers of the Mayor if the:

- Mayor is unable to attend a Council meeting or part of a Council meeting; or
- Mayor is incapable of performing the Mayoral duties for any reason, including illness; or
- Office of the Mayor is vacant.

Other Duties for the Deputy Mayor include the following:

- attend meetings with the CEO alongside the Mayor.
- foster good working relationships with all council officers.
- put a focus on Community Engagement and work with the media and communications team to promote council achievements.
- take a leadership role in building community trust and fostering a positive standing of Councillors and the organisation in the community.

- in conjunction with the Mayor and CEO, advocate on behalf of Council, the broader Murrindindi Shire and community, local community groups and key stakeholder/sector groups.

The Deputy Mayor also takes responsibility for the internal resolution process when the matter relates to the Mayor.

1.4. Role of Councillors

A Councillor's role is to represent and advocate for their community and provide a valuable link between the community and Council. Councillors are key to encouraging community engagement with Council activities.

Under Section 28 of the Act, Councillors are required to:

- participate in the decision making of Council;
- represent the interests of the municipal community in decision making;
- contribute to the strategic direction of Council; and
- review key strategic documents of Council, including the Council Plan.

Councillors in undertaking their role must:

- consider the diversity of interests and needs of the community;
- support the role of Council;
- acknowledge and support the Mayor;
- act lawfully and in accordance with the oath or affirmation of office;
- act in accordance with the Model Code; and
- comply with Council's Governance Rules.

Attachment 2 – Staff Interaction Protocol

2.1. Purpose

The purpose of this protocol is to establish a structured approach that fosters strong and effective working relationships between Councillors and Council officers.

Effective governance relies on well-defined relationships between the elected members and the organisation, underpinned by mutual respect, clarity of roles, and a shared commitment to Council's objectives.

It is acknowledged that Councillors are responsible for setting strategic direction and advocacy, while the CEO oversees the operational management and administration of Council.

2.2. Directing a member of Council Staff

It is an offence under Section 124 of the Act for a Councillor to direct or seek to direct Council staff in the:

- performance of a delegated power, duty or function
- performance of a duty or function exercised or performed as an authorised officer under the Act or any other Act
- advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

Councillors should consider the following when interacting with Council officers:

- communicate courteously with Council Officers and respect their professional opinion, skill and expertise, even if you disagree with it.
- not denigrate or undermine Council Officers, including in Council meetings, discussions with community members or communication exchanges
- Consider the potential impact on resources and priorities of Council officers when requesting advice or information.

2.3. The Chief Executive Officer

The CEO serves as the principal point of engagement between Councillors and the organisation. The CEO is the only employee appointed by the elected Council.

Section 46 of the Act states that the functions of the CEO are to:

- ensure the effective and efficient management of day-to-day operations; and
- supporting the Mayor and Councillors in the performance of their roles.

Supporting the Mayor and the Councillors includes:

- ensuring that the decisions of the Council are implemented without undue delay
- ensuring that the Council receives timely and reliable advice about its legal obligations
- supporting the Mayor in the performance of the Mayor's role
- setting the agenda for Council meetings after consulting the Mayor
- when requested by the Mayor, reporting to the Council in respect of the implementation of a Council decision.

Ensuring the effective and efficient management of the day-to-day operations of the Council includes:

- establishing and maintaining an organisational structure for the Council
- being responsible for all staffing matters, including appointing, directing, managing and dismissing staff
-

- managing interactions between Councillors and staff and ensuring that appropriate policies, practices and protocols are implemented
- performing any other function or duty of the CEO specified in the Act or any other Act.

The CEO and Councillors convene in-camera prior to each Council Briefing in a forum known as CEO / Councillor Only Time. This provides an opportunity for Councillors to raise confidential matters relevant to Council operations and governance. The CEO can also update Councillors on confidential matters pertaining to Council business.

2.4. Council Officers

Council officers are accountable to the CEO and their respective management structure. They should not take direction from individual Councillors.

Council officers should:

- treat Councillors with professionalism, courtesy and respect
- redirect Councillor queries to the appropriate Director or CEO.
- only provide direct advice or information to Councillors with approval from the Director or CEO
- ensure that any communication with a Councillor is appropriately documented and shared with relevant managers where necessary.

2.5. Communication Channels and Contacts

The following contacts provide appropriate points of interaction between Councillors and Council officers:

Service Type	Executive Assistant	CEO	Relevant Director	Other
Routine Service Delivery	✓ (meeting, correspondence, CRM issues)			Customer Service Coordinator Manager Customer Experience
Performance and Project Delivery Information		✓	✓	
Council Plans, Budget and Policy Direction		✓	✓	
Media & Communications		✓	✓	Manager Customer Experience or Coordinator Communications
Governance		✓	✓	Manager Governance & Risk
Information Technology	✓ (Cr access issues only)	✓	✓	Coordinator IT
Community and Council Committees		✓	✓	Manager Governance & Risk
Model Code of Conduct and other Councillor misconduct matters		✓	✓	Manager Governance & Risk
Enforcement matters		✓	✓	Manager Development Services
Land Use Planning		✓	✓	Manager Development Services
Councillor Benefits	✓ (process only)	✓	✓	Manager Governance & Risk

2.6. Councillor Requests

The table below outlines the process for Councillor requests.

Type of request	Description	Process
Urgent	Urgent matter that needs to be actioned.	Contact the CEO or Director by phone.
Operational request	Matter relating to council's normal operational work. Council is raising an operational matter on behalf of a resident.	<p>lodge a CRM through Council's website - Make an Online Request - Murrindindi Shire Council</p> <p>Council staff will respond directly to the resident and advise the Councillor of the outcome. Customer Charter timeframes apply.</p>
Escalated Operational Request	Matter relating to council's normal operational work. Council is escalating the matter as the resident has advised them that they are dissatisfied with the timeliness or content of the response.	<p>Contact the Executive Assistant who will ensure the matter is referred to the appropriate Director.</p> <p>Councillors may also choose to raise this at CEO & Exec/Councillor only time, particularly if the matter has Shire wide implications.</p>
Strategic issues (non-operational)	Matter relates to strategic direction. It may have been raised by a resident originally or not. or the Councillor matter may have been raised by a resident.	<p>Email the CEO and/or Director and copy in the Executive Assistant who will complete records management tasks.</p> <p>Councillors may also choose to raise this at CEO & Exec/Councillor only time.</p>

Councillor involvement in the following types of operational matters is inappropriate:

- Enforcement – Delegated and authorised officers must be able to perform investigation and enforcement activities free from improper direction or influence.
- Public Liability Insurance Claims – Claims must be dealt with by officers working with Council's insurance provider. Councillor involvement and/or comment on claims can prejudice the outcome and any future legal action.
- Employment and staffing matters – Council employs the CEO only. Councillors may refer staffing matters to the CEO for action but should refrain from any further action.

Councillors should also exercise caution in relation to:

- Planning and Environment Act matters – It is important that Councillors remain independent from planning processes and avoid taking any action that may create a perception of bias, predetermination. Councillors should refrain from inappropriate direction or influence on planning matters.
- Complaints - Under Section 107 of the Act, complaints must be handled in accordance with the Council's [Customer Complaints Policy](#). Councillors must not seek to influence officers as they address complaints through this process.

2.7. Resident requests

Council has a [Customer Service Charter](#) which ensures that all service requests are actioned in a timely, consistent and empathetic manner.

Councillors are regularly contacted by members of the community regarding a variety of matters. Councillors are responsible for managing inquiries that relate to their role as an elected representative.

However, enquiries that relate to operational matters, service requests and complaints are to be referred to Council. The options available to a Councillor, by order of preference, are to ask the person to:

- Confirm their location on a map and send a description of the issue direct to Council. Information here - [Report an Issue / Snap Send Solve - Murrindindi Shire Council](#)
- Ask the person to lodge a CRM through Council's website - [Make an Online Request - Murrindindi Shire Council](#)
- Ask the person to call or email Council to lodge their request.

As a last resort, Councillors can lodge a CRM on behalf of a constituent through Council's website.

2.8. Resident complaints

All complaints, whether raised through a Councillor or Customer Service, must be managed through the process outlined in Council's [Customer Complaints Policy](#).

2.9. Personal Interactions with Council Officers

Councillors, when engaging with Council as private individuals (i.e. as a ratepayer, recipient of a council service or applicant for a permit) must not seek preferential treatment based on their role. They are expected to adhere to the same processes and service standards as any member of the public.

Councillors acknowledge that they may have personal or professional relationships with Council Officers outside of their roles. They must ensure these relationships do not influence Council decision-making or governance responsibilities.

2.10. Breaches of this protocol

If a staff member believes that a Councillor has breached this protocol, they must report the matter to the CEO immediately and pause any further action until directed by the CEO or Director.

If a Councillor is concerned about a potential breach by a fellow Councillor, they should inform the Mayor. Concerns regarding staff conduct should be reported to the CEO who will take appropriate action.

Attachment 3 – Integrity protocols

3.1. Conflict of Interest Procedures

Councillors are required to identify, manage and disclose conflicts of interests in accordance with the requirements of the Act and the Governance Rules (as approved from time to time).

Councillors recognise that they are responsible for determining whether they have a conflict of interest.

Upon identifying a conflict of interest, the Councillors will comply with Section 130 of the Act and:

- disclose the conflict of interest in the manner required by the Council's Governance Rules; and
- exclude themselves from the decision-making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Councillors also commit to providing early notice prior to a meeting, wherever possible, of any conflict of interest that precludes them from participating in discussions or voting on a matter. Early notice should be provided to the Mayor and CEO for council matters or the relevant Chair for committees.

3.2. Gifts and Bribery

Councillors must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment, through the provision of gifts, benefits or hospitality of any kind.

Councillors are required to abide by the Councillor Gifts and Benefits Policy.

3.3. Fraud and Corruption

Council is committed to building and sustaining an ethical, efficient and effective culture where opportunities for fraud, corruption and maladministration are minimised.

Transparency and accountability in Council's practices is very important and Council has established procedures to support and protect those who may wish to disclose improper or corrupt conduct by Councillors or Council staff.

Councillors are required to comply with legislation, policies and lawful instructions in the performance of their role. Any workplace behaviour that violates any law or regulation or could represent fraud, corrupt conduct, maladministration or mismanagement of public resources should be reported to the CEO or the Public Interest Disclosure Coordinator immediately.

3.4. Use of information

Councillors are provided with information to make informed decisions and fulfil their duties, some information may later become publicly available or remain confidential. Councillors acknowledge and understand the confidential information requirements outlined in the Act.

Councillors will only use information for the purposes of undertaking their role as a Councillor.

Councillors will only request information to gain a broader understanding of an issue relevant to the Councillors role and responsibilities. Information communicated to one Councillor will be communicated to all.

3.5. Councillor Support, Expenses and Information

Councillors acknowledge that the resources provided to support them are publicly funded and commit to ensure that these resources are used effectively and economically and in compliance with the Councillor Support and Allowances Policy.

Councillors are required to adhere with all Council policies regarding the provision of resources, including IT and will not use Council resources including email accounts, phones, laptops or the services of Council officers for private purposes.

Attachment 4 – Dispute resolution

4.1. Definitions

Reference Term	Definition
Councillor Conduct Officer (CCO)	The Director of People and Corporate Performance is the appointed Councillor Conduct Officer under s150 of the Act. The Councillor Conduct Officer must: <ul style="list-style-type: none"> a) assist Council in the implementation and conduct of the internal arbitration process; b) assist the Principal Councillor Conduct Registrar to perform their functions; and c) assist the Principal Councillor Conduct Registrar in relation to any request for information. It is neither the role nor the responsibility of the Councillor Conduct Officer to draft, or to otherwise assist in the drafting of, an application under the Model Code or the Act
Principal Councillor Conduct Registrar	The Principal Councillor Conduct Registrar is employed by the State Government and appointed under s 148 of the Act to: <ul style="list-style-type: none"> a) receive applications for the appointment of an arbiter; b) appoint an arbiter from the panel list as required; and c) publish guidelines in relation to processes and procedures relating to internal arbitration process applications as considered necessary
Public Interest Disclosure Coordinator	Means the Council Officer who is appointed from time to time under the Public Interest Disclosure Act 2012

4.2. Dispute Resolution

If a dispute arises between Councillors, the following process should be followed:

- i. Councillors should attempt to resolve a dispute informally between the parties courteously and respectfully.
- ii. Council can discuss the issue fairly and courteously in-camera during Councillor Only Time
- iii. If is still not resolved after step i and ii, the Mayor will invoke the Internal Resolution – Conciliation Procedure (see 4.3).

4.3. Internal Resolution – Conciliation Procedure

Step	Alleged contravention of the Code Framework
Step 1 Complaint	The complainant will provide the Mayor, Deputy Mayor or CEO (see step 2) with a written Complaint Statement containing the following: <ul style="list-style-type: none"> • the name of the Councillor alleged to have contravened the Model Code and/or the Councillor Values and Councillor and Staff Engagement Protocol • the section of the Model Code and/or Protocol alleged to have been contravened • evidence in support of the allegation • name the Councillor appointed representative where the request is made by a group of Councillors • the facts and issues. • date and signature.

Step	Alleged contravention of the Code Framework
	<p>The Mayor will provide a copy of the Complaint Statement to the other party and the Councillor Conduct Officer. The other party has the option to prepare a written Response Statement.</p>
<p>Step 2 Appointment of Conciliator</p>	<p>The Mayor is deemed to be appointed to the role of Conciliator unless the Mayor is the subject of the complaint, in which case, the Deputy Mayor is deemed to be appointed.</p> <p>If the Deputy Mayor is also the subject of the complaint, then the CEO will appoint a suitable Conciliator to convene the conciliation.</p> <p>The Conciliator may seek advice from the Councillor Code of Conduct Officer on the conciliation process.</p>
<p>Step 3 Convening and participating in a conciliation meeting</p>	<p>The Conciliator:</p> <ul style="list-style-type: none"> • as authority to run the meeting and enforce the rules of conciliation • will canvass the party's interests • will work with the parties to create a solution to help the parties move forward. <p>All parties are expected to:</p> <ul style="list-style-type: none"> • apply active listening and • provide the other side with silence when they are talking. <p>Conciliation is confidential, and anything shared in the meeting is shared in confidence.</p> <p>Nothing said in the conciliation is binding, unless the meeting results in an agreement, in which case the agreement is binding.</p>
<p>Step 4 Statement</p>	<p>The Conciliator will invite the complainant to share their Complaint Statement containing the facts and issues in dispute.</p> <p>The Conciliator will invite the respondent to share their Response Statement containing the facts and issues in dispute.</p> <p>The Conciliator will summarise the parties' statements and then each party has the chance to speak, starting with the complainant and then the respondent.</p>
<p>Step 5 Suggestion</p>	<p>The Conciliator will suggest to the parties how they might resolve their dispute.</p> <p>The parties have the choice to accept or reject the suggestion and keep negotiating.</p>
<p>Step 6 Agreement</p>	<p>If the parties agree to one of the Conciliator's options, they will create a binding agreement. The Conciliator will document the agreement reached at the meeting and provide copies of the agreement to both parties.</p> <p>If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties.</p>

Step	Alleged contravention of the Code Framework
Step 7 If agreement not reached or agreement breached	Where the dispute remains unresolved, the Conciliator should escalate the unresolved dispute to independent arbitration (s.141 of the Act). Where one party does not comply with the agreement, the other party has recourse to independent arbitration (s.141 of the Act).

Attachment 5 – Communications, media and social media

The Mayor is the primary spokesperson on Council policy, strategy and issues of community significance. The Mayor may authorise other Councillors (on the basis of Ward or Portfolio), the Deputy Mayor or CEO to communicate on particular issues.

The CEO is the primary spokesperson on operational issues and may delegate this role to other Council staff, particularly in an emergency.

When using social media Councillors must ensure they:

- do not make any comment that may lead a reasonable person to conclude they cannot perform the role of Councillor impartially and professionally.
- Clearly state when they are expressing a personal opinion and make it clear that their personal comments do not represent the position of Council.
- do not use Council platforms as a forum for political debate or commentary that impacts Council's reputation.
- ensure personal comments do not divulge privileged, private, legal or confidential information acquired from their role.
- do not make derogatory statements concerning Councillors, Council staff or community members.

Attachment 6 - Occupational Health and Safety

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 acknowledge their responsibility to provide, as far as practicable, a safe working environment that is free from bullying and violent behaviour.

Councillors are expected to promote an environment of well-being in the workplace and ensure all people in the workplace, which includes fellow Councillors, staff, visitors, contractors and community, are treated with respect. Councillors are also expected to report any acts or suspected acts of bullying and violence to the CEO.

Councillors acknowledge that the use of alcohol and drugs contributes to accidents, injury and illness in the workforce. As part of the Councillors commitment to the health, safety and wellbeing the consumption of alcohol is not permitted on Council premises, unless authorised by the CEO.

Councillors must not be under the influence of alcohol, drugs or other substances while attending Council meetings or Briefings and comply with the legal alcohol blood levels when operating a Council vehicle or travelling to and from a Council engagement.

The possession, use or trafficking of illegal drugs would be considered serious misconduct and managed accordingly.

Councillors who choose to smoke must comply with Council's Smoke Free Workplace Policy. This means smoking is:

- not allowed in any Council building, within the grounds of Council's workplace or in any Council-owned or operated vehicle.
- not allowed while working or liaising with members of the public. This includes smoking at a person's home while conducting Council business.
- only allowed more than 5 meters away from the entrance and exits of buildings and any outside communal area (including public toilets, BBQ areas)
- only allowed during allocated breaks.