



the place  
to live

## **AGENDA**

Special Council meeting to be held  
at Darebin Civic Centre,  
350 High Street Preston  
on Tuesday, 28 June 2016  
at 7.00pm.

---

# Table of Contents

---

Item Number	Page Number
1. MEMBERSHIP .....	1
2. APOLOGIES .....	1
3. DISCLOSURES OF CONFLICTS OF INTEREST .....	1
4. CONSIDERATION OF REPORTS .....	2
4.1 COUNCILLOR CODE OF CONDUCT .....	2
5. CLOSE OF MEETING .....	6

---

---

# Agenda

---

## **1. MEMBERSHIP**

Cr. Vince Fontana (Mayor) (Chairperson)

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Bo Li

Cr. Trent McCarthy

Cr. Steven Tsitas

Cr. Angela Vilella

Cr. Oliver Walsh

Cr. Julie Williams

## **2. APOLOGIES**

## **3. DISCLOSURES OF CONFLICTS OF INTEREST**

## 4. CONSIDERATION OF REPORTS

### 4.1 COUNCILLOR CODE OF CONDUCT

**Author:** Executive Governance Support Officer

**Reviewed By:** Executive Manager Corporate Governance and Performance

#### Report Background

Changes to the *Local Government Act 1989* arising from the *Local Government Amendment (Improved Governance) Act 2015* were passed by the Parliament in October 2015. Immediate reforms were implemented to improve the accountability of Councillor's and improvements to support the integrity and efficient conduct of Council elections.

The Councillor Code of Conduct now requires amendment and must be adopted by 4 July in accordance with section 76C(1) of the *Local Government Act 1989*.

#### Previous Council Resolution

24 May 2016

#### Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

#### Council Plan Goal/Endorsed Strategy

Goal 6: Open and Accountable Democracy

#### Summary

This report outlines the amendments made to the Councillor Code of Conduct for Council's consideration and adoption in accordance with section 76C(1) of the *Local Government Act 1989*.

<b>Recommendation</b>
-----------------------

#### That Council:

- (1) Adopt the Councillor Code of Conduct attached as **Appendix A** to this report.
- (2) Note that Councillors must sign the Councillor Code of Conduct as their declaration that they will abide by the code in accordance with section 76C(6A) of the *Local Government Act 1989*.
- (3) Note that each of the Councillor signatures must be witnessed by the CEO in accordance with section 76C(6B) of the *Local Government Act 1989*.
- (4) Note that this Code will be reviewed within 4 months of each general election at which time a Special Council meeting will be scheduled solely for the purpose of reviewing and adopting this code.
- (5) Note that Council may determine to review this code every 12 months or as required.

## Introduction

The *Local Government Amendment (Improved Governance) Act 2015* reforms restructured and strengthen the legislative framework for the management of councillors conduct issues.

Immediate reforms were implemented to improve the accountability of Councillor's and improvements to support the integrity and efficient conduct of Council elections. These amendments to the *Local Government Act 1989* came into operation on 1 March 2016.

As a result, Council must review, and make any necessary amendments to, its Councillor Code of Conduct within 4 months after the commencement of section 15 of the *Local Government Amendment (Improved Governance) Act 2015*:

- by calling a special meeting solely for the purpose of reviewing the Councillor Code of Conduct; and
- at that special meeting, approving 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.

## Issues and Discussion

The following changes have been made to the Councillor Code of Conduct:

- Section 12 of the Code dealing with dispute resolution procedures has been extensively amended. The procedures originally incorporated in the Code have been expanded to include a comprehensive internal resolution procedure for the purposes of addressing an alleged contravention of the Councillor Code of Conduct as outlined in section 81AA(1) of the Act.
- Section 13 has been added dealing with the integrated stages of the dispute and conflict resolution procedure. section 3(1) provides new definitions creating a hierarchy for management of Councillor conduct issues. See diagram below.

Degree of Seriousness	Definition	Responsible Authority
<b>Conduct inconsistent with standards council has set itself</b>	Breaches of Councillor Code of Conduct	Council
<b>Misconduct</b>	Failing to comply with a council's internal resolution procedure, including failure to abide by any decision of the code and repeated breaches of councillor conduct principles	Panel
<b>Serious misconduct</b>	Failing to comply with panel processes, bullying, improperly directing staff, releasing confidential information and repeated misconduct	Panel
<b>Gross misconduct</b>	Behaviour that demonstrates lack of character to be a councillor	VCAT

- Section 14 has been added to outline the role of the Principle Conduct Officer pursuant to section 81X of the Act, the Mayor pursuant to section 73AA of the Act, the Independent Arbiter Panel as a result of the requirement under the Act that the internal resolution procedure must include an independent arbiter, as well as the Council's role at an Ordinary Meeting of Council to assess any findings and reasons for the finding.
- Section 16 was added to include that this Code will be reviewed within 4 months of each general election at which time a Special Council meeting will be scheduled solely for the purpose of reviewing and adopting this code.

- Section 17 was added to allow Councillors to sign the Councillor Code of Conduct and make a declaration that they will abide by the code and to allow the CEO to witness each of the Councillor signature's in accordance with section 76C(6B) of *the Local Government Act 1989*.
- Appendix A - Councillor Dispute Resolution Application has been prepared and is attached to the Code of Conduct as a tool to streamline complaints made by Councillors.

In line with section 76C(6), a copy of the current Councillor Code of Conduct must be:

- (a) Given to each Councillor;
- (b) Available for inspection by the public at the Council office and any district offices;
- (c) Published on the Council's Internet website maintained under section 82A.

### **Options for Consideration**

There are no further options for consideration.

### **Financial and Resource Implications**

There are no financial implications in relation to the protocol.

### **Risk Management**

Council would be in breach of section 76C(1) of the *Local Government Act 1989* if the Councillor Code of Conduct is not adopted by 4 July 2016.

Section 76C(6A) of the Act states that within one month of amendments to a Councillor Code of Conduct being approved in accordance with this section, a Councillor must make a declaration stating that they will abide by the Councillor Code of Conduct.

### **Policy Implications**

#### **Economic Development**

There are no factors in this report which impact upon economic development.

#### **Environmental Sustainability**

There are no factors in this report which impact upon environmental sustainability.

#### **Human Rights, Equity and Inclusion**

There are no factors in this report which impact on human rights, equity and inclusion.

#### **Other**

The Code is in line with the *Local Government Act 1989* and the *Local Government Amendment (Improved Governance) Act 2015*.

**Future Actions**

- Each individual Councillor to read, sign and date the Councillor Code of Conduct and make a declaration to abide by the Code.
- The Chief Executive Officer must sign and witness the declaration.
- A copy of the Code of Conduct is to be provided to all Councillors.
- The amended Councillor Code of Conduct will be published on Councils website as required by legislation.

**Consultation and Advocacy**

- Independent Arbitrator Panel
- MAV
- Chief Executive
- Executive Management Team
- Councillors

**Related Documents**

- *Local Government Act 1989*
- *Local Government Amendment (Improved Governance) Act 2015*
- Councillor Code of Conduct (**Appendix A**)

**Disclosure of Interest**

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.