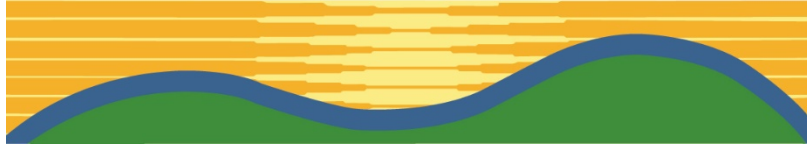


MITCHELL SHIRE COUNCIL



**SPECIAL
COUNCIL MEETING
MINUTES**

MONDAY 23 MAY 2016

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE
MITCHELL SHIRE COUNCIL HELD AT MITCHELL CIVIC
CENTRE, 113 HIGH STREET BROADFORD ON
23 MAY 2016**

THE MEETING OPENED: 5.00pm

COUNCILLORS PRESENT

Cr Rodney Parker	Central Ward
Cr Des Callaghan	Central Ward
Cr Ross Lee	Central Ward

Cr Bill Melbourne	North Ward
Cr Rhonda Sanderson	North Ward
Cr Bill Chisholm	North Ward

Cr Sue Marstaeller	South Ward	(Chairperson)
Cr Kevin Mulroney	South Ward	
Cr Bob Cornish	South Ward	

OFFICERS PRESENT

Mr David Turnbull	Chief Executive Officer
Mr Travis Heeney	Director Sustainable Communities
Mr Laurie Ellis	Director Corporate Services
Mr Jeff Saker	Director Engineering and Infrastructure
Mrs Nicole Maxwell	Manager Finance
Mr Lee McSweeney	Governance Advisor

1 GOVERNANCE DECLARATION

The Governance Declaration was read by Cr. S Marstaeller.

2 APOLOGIES AND LEAVE OF ABSENCE

No apologies were received.

3 DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with section 79 of the Local Government Act 1989.

No disclosure of conflict of interest were received for this meeting.

4 EXECUTIVE SERVICES AND GOVERNANCE

4.1 REVIEW 2016 - COUNCILLOR CODE OF CONDUCT

Author: Lee McSweeney - Governance Advisor

File No: GV/01/006-02

Attachments: 1. Councillor Code of Conduct

SUMMARY

Recent legislative changes to the Local Government Act 1989 arising from the *Local Government Amendment (Improved Governance) Act 2015* requires all Councils to review and make any necessary amendments to their Councillor Code of Conduct within four months after these new requirements in the Act come into effect.

These new provisions require that Council hold a special meeting solely for the purpose of reviewing the Councillor Code of Conduct and adopting any amendments made to the Councillor Code of Conduct.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. B. CHISHOLM

THAT Council:

1. Adopts the Revised 2016 - Councillor Code of Conduct (Attachment 1);
2. Provides each Councillor with a copy of the Councillor Code of Conduct and signs a declaration to abide by the Code of Conduct. The declaration is to be witnessed by the Chief Executive Officer;
3. Publishes a copy of the endorsed and signed Councillor Code of Conduct on Council's website and places a copy available for public inspection at all Customer and Library Service Centres in accordance with Section 76C(6) of the *Local Government Act 1989*.

UNANIMOUSLY CARRIED

REVIEW 2016 - COUNCILLOR CODE OF CONDUCT (CONT.)

BACKGROUND

In October 2015, the Victorian Parliament passed a *Local Government Amendment (Improved Governance) Act 2015* which introduced a number of reforms to *the Local Government Act 1989*. These reforms intend to improve the accountability of Councillors and seek to encourage improved standards of behavior in order to strengthen council governance.

ISSUES AND DISCUSSION

The *Local Government Act 1989* requires a Council to develop and maintain a Councillor Code of Conduct. The Councillor Code of Conduct is required to be periodically reviewed.

The reforms introduced by the *Local Government Amendment (Improved Governance) Act 2015*, requires a Council to review and make any necessary amendments to their Councillor Code of Conduct within four months after these new requirements in the Act have come into effect and within four months after a general election.

Mandatory legislation amendments:

- All incoming Councillors must read their council's Councillor Code of Conduct and make a declaration that they will abide by it before taking (and remaining) in office;
- Within one month of any amendments being made to a councillor code of conduct, all Councillors must make a declaration stating they will abide by the revised code. This declaration must be signed and witnessed by the Chief Executive Officer;
- Failure by a Councillor to make a declaration stating that he or she will abide by the Councillor Code of Conduct in accordance with Section 76C is now a ground for disqualification as a Councillor in accordance with Section 29(1)(ea) of the *Local Government Act 1989*;
- An internal resolution procedure for dealing with any alleged contraventions of the Code must be in place and referenced in the Councillor Code of Conduct.

Following the introduction of the new reforms, the Municipal Association of Victoria (MAV) released a model template Councillor Code of Conduct to assist Councils in reviewing their Codes to comply with the new reforms. The revised Mitchell Shire Council Councillor Code of Conduct is based on the existing Code and incorporates elements of the MAV model template and includes the following additional amendments.

Heading	Summary
Legislation Compliance	The Code has been amended to include compliance with all legislation relevant to Councillors in performing civic duties.
Roles of Mayor and Councillors	The Code has been amended to include the role of a Councillor and functions of the Mayor as determined within the <i>Local Government Amendment (Improved Governance) Act 2015</i> .

REVIEW 2016 - COUNCILLOR CODE OF CONDUCT (CONT.)

Relationships with Staff	This section has been amended to reference Section 65(3) of the Act - in not performing any of the specified functions of the Chief Executive Officer.
Media	This section has been amended to include council resolution on public statements that all Councillors will be provided the opportunity to attend official functions and media events such as photoshoots.
Prohibited Conduct	References the specific provision in the <i>Local Government Act 1989</i> that prohibit Councillors from certain conduct.
Dispute Resolution	This section has been amended to clearly articulate the process for dealing with alleged contravention of the Councillor Code of Conduct for internal resolution. This section also includes the process for misconduct, serious misconduct and gross misconduct.

CONSULTATION

Members of the Executive Leadership Team, Mayor, Councillors and relevant Managers have been consulted in preparing this report.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

There are no financial resource and asset management implications associated with this report.

POLICY AND LEGISLATIVE IMPLICATIONS

This report is consistent with Section 76C of the *Local Government Act 1989*.

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

This is an administration process and does not have any environment and sustainability implications associated with this report.

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

REVIEW 2016 - COUNCILLOR CODE OF CONDUCT (CONT.)

OFFICER DECLARATION OF CONFLICT OF INTEREST

No Officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

To comply with the requirements of the *Local Government Act 1989*, Council is required to review and amend its Councillor Code of Conduct. It is recommended that Council adopt the revised Councillor Code of Conduct (Attachment 1) to ensure compliance with this legislative requirement.

5 CLOSE OF MEETING

Meeting was closed at 5.04pm.

Confirmed this Monday, 20 June 2016

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Chairperson
Mayor, Cr Sue Marstaeller