

# Minutes

## Of the Special Council Meeting

**Location:** Council Chambers, Municipal Offices  
62-68 Ovens Street, Wangaratta

**Date:** 31 May, 2016

**Time:** 5.30pm



RURAL CITY OF  
**WANGARATTA**

Brendan McGrath  
Chief Executive Officer



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## 1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

*We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.*

## 2. OPENING PRAYER

*Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen*

## 3. PRESENT

### ADMINISTRATORS:

MRS AILSA FOX, CHAIR, MS IRENE GRANT, MR ROD ROSCHOLLER

### OFFICERS:

BRENDAN MCGRATH - CHIEF EXECUTIVE OFFICER, RUTH KNEEBONE - DIRECTOR CORPORATE SERVICES, JAIME CARROLL - DIRECTOR COMMUNITY WELLBEING, BARRY GREEN - DIRECTOR DEVELOPMENT SERVICES

## 4. ABSENT

### OFFICERS:

ALAN CLARK - DIRECTOR INFRASTRUCTURE SERVICES

## 5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

### ORDER OF BUSINESS

## 6. CONFLICT OF INTEREST DISCLOSURE

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a 'conflict of interest' in a decision if they would receive, or could reasonably be perceived as receiving, a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

**Disclosure must occur immediately before the matter is considered or discussed.**

## PRESENTATION OF REPORTS

## **OFFICERS' REPORTS**

### **7. CORPORATE SERVICES**

#### 7.1 COUNCILLOR CODE OF CONDUCT

**Meeting Type:** Special Council Meeting  
**Date of Meeting:** 31 May 2016  
**Author:** Manager - Business and Governance  
**File Name:** Councillor Code of Conduct  
**File No:** 96.005.004

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

This report is presented to Council to finalise the process of reviewing, amending if necessary and adopting a major Council policy, the Councillor Code of Conduct 2016 (*refer attachment*).

#### **RECOMMENDATION:**

**(Moved: Administrator I Grant/Administrator R Roscholler)**

***That Council adopts the Councillor Code of Conduct 2016 with the following modifications:***

- 1. In clause 20 'Use of Council Resources ' delete the words "and solely" from the first paragraph;***
- 2. In clause 50(2) 'Council Publications and Advertising' replace "Councillors will not seek to influence or direct Council Officers in relation to the design, content or distribution of Council publications" with "Councillors will not seek to influence or direct, for personal benefit, Council Officers in relation to the design, content or distribution of Council publications"; and***
- 3. Add to clause 50 'Council Publications and Advertising' a sub-clause 50(3) with the words "Councillors may be requested from time to time to provide suggestions regarding Council news items or topics for communication in Council publications".***

**Carried**

## **Background**

The *Local Government Act 1989* (the Act) requires Council to review, and make any necessary amendments to, its Councillor Code of Conduct (the Code).

A recommended Code has been drafted and exhibited for public comment (***refer attachment***).

The Code includes a commitment to conduct principles and values, clarifies roles, provides for decision making arrangements and deals with Councillor interests, election matters and other obligations as well as media and event protocols. It also provides a framework and processes for managing the conduct of Councillors.

## **Implications**

### **Policy Considerations**

The Code is a Major Council Policy as defined in Council's 'Major Council Policy Consultation Local Law No. 4 of 2015' which prescribes the procedure to make or change a Major Council Policy. This procedure has been followed in respect of the Code.

### **Financial/Economic Implications**

There are no financial or economic implications identified for the subject of this report.

### **Legal/Statutory**

Section 76C of the *Local Government Act 1989* (the Act) requires Council to review, and make any necessary amendments to, its Councillor Code of Conduct (the Code) within four months after the commencement of section 15 of the *Local Government Amendment (Improved Governance) Act 2015*. Section 15 commenced on 1 March 2016. The Code must therefore be adopted by Council no later than 4 July 2016 in order to comply with the Act.

### **Social**

In accordance with the Major Council Policy Consultation Local Law, the Code is required to be reviewed to assess any impacts on National Competition Policy and the principles under the Human Rights Charter.

The Code is considered to be compatible with the Charter of Human Rights and Responsibilities.

The introduction of the Code imposes no restrictions on competition and therefore complies with National Competition Principles.

## **Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for this subject of this report.

## **2013 – 2017 Council Plan (2015 Revision)**

This report supports the 2013-2017 Council Plan:

### **Goal**

We are Sustainable

### **The non-negotiables**

All legislative and compliance requirements are met.

### **Risk Management**

The adoption of a Councillor Code of Conduct will ensure statutory compliance and appropriate councillor support as well as mitigating the risks associated with Councillor misconduct.

### **Consultation/Communication**

Submissions were invited from the community in regards to the Code in accordance with clause 7 of the Major Council Policy Consultation Local Law.

A notice to this effect was advertised in the Chronicle newspaper and also on Council's website indicating that submissions would be received for 28 days. Submissions have been considered by Council in relation to the Code.

Three submissions were received together with a further internal review by officers. Two of the submitters requested to be heard by a Committee of Council in relation to their submissions.

The submissions have been reviewed internally as well as undergoing an independent legal review. A summary of the submissions together with an analysis of their merit has been conducted (*refer attachment*).

A number of changes have been made to the Code as a result of the public submission process.

1. The provisions that do not relate to the conduct of Councillors have been removed from the Code and will be included in a Councillor Support Policy that will be considered at a later date.
2. The scope of the Code has been confined to Councillors only as intended by the Act.
3. Councillor advice concerning their own media activity to their colleagues and to the organisation now has more flexible timing requirements.

4. The clause concerned with the confidentiality of briefing forum documents has been removed.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

### **Options for Consideration**

There are no alternative processes available to Council that are legally compliant.

Possible options for amendment of the Code were the subject of submissions received during the exhibition period. The content of the final document reflects some of the specific suggestions from submitters.

### **Conclusion**

The Councillor Code of Conduct 2016 has been developed and placed on exhibition for public review and submissions as required by the Major Council Policy Consultation Local law. The submissions received have been reviewed and have received consideration. The reviewed and amended Councillor Code of Conduct 2016 is recommended for adoption by Council as prescribed by section 76C of the Act.

### **Attachments**

- 1 Councillor Code of Conduct 2016
- 2 Councillor Code of Conduct Submissions Analysis

8. Closure of Meeting

The Meeting closed at 5.37pm.