



**Bass Coast Shire Council  
Minutes for Special Meeting  
Wednesday, 22 June 2016  
Council Chamber, Bass Coast Civic Centre,  
Baillieu Street East, Wonthaggi  
4.30pm**

- 1. These minutes are due to be confirmed on 20 July 2016**
- 2. Any decision included in these minutes is subject to change resulting from a rescission motion passed by Council.**

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**Meeting commenced**

The meeting commenced at 4.32pm

Acknowledgement: Cr Rankine read the acknowledgement.

Statement: Cr Le Serve read the Councillor Statement.

**A Present and Apologies**

Councillors: Cr Jordan Crugnale, Townsend Ward (Mayor)  
Cr Bradley Drew, Anderson Ward (Deputy Mayor)  
Cr Neil Rankine, Hovell Ward  
Cr Andrew Phillips, Thompson Ward  
Cr Kimberley Brown, McHaffie Ward  
Cr Clare Le Serve, Leadbeater Ward  
Cr Phil Wright, Churchill Ward

Officers: Mr Paul Buckley, Chief Executive Officer  
Mr Mark Brady, General Manager Governance and Organisation  
Development  
Mr David Elder, General Manager Healthy Communities  
Ms Felicity Sist, General Manager Infrastructure  
Ms Deirdre Griepsma, Acting General Manager Sustainable  
Development and Growth  
Mrs Lee-Anne Harmer, Governance Officer  
Ms Sarah Male, Team Leader Community Health and Wellbeing  
Administration  
Ms Simone Short, Media Communications Officer

Apologies: Ms Allison Jones, General Manager Sustainable Development and  
Growth

**B Declarations of Interest**

There were no declarations of interest.

# **Reports Requiring Council Decision**

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## C Reports Requiring Council Decision

### C.1 Councillor Code of Conduct

<b>File No:</b>	<b>CMI6/271</b>
<b>Department:</b>	<b>Governance and Organisation Development</b>
<b>Council Plan Strategic Objective:</b>	<b>Effective Governance</b>

Our leadership will be achieved through good governance, community engagement and excellence in service delivery.

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### Declaration

The author has no direct or indirect interests in relation to this report.

### Summary

In October 2015 the *Local Government Amendment (improved Governance) Act 2015* passed through the Victorian Parliament. One of the provisions that were proclaimed included the requirement for Councils to review their Councillor Code of Conduct.

A Councillor Code of Conduct must include an internal resolution procedure for dealing with any alleged contraventions of the Code. A Council can apply sanctions to a Councillor who has been found to have contravened the Councillor Code of Conduct.

Failure by a Councillor to comply with the Council's internal resolution procedure or to comply with a written direction given by the Council under section 81AB of the Act (sanctions for contravention of the Code) constitutes misconduct by a Councillor.

The Councillor Code of Conduct has been developed and is presented for Council's adoption.

### Background

The *Local Government Act 1989* (the Act) requires a Council to develop and maintain a Councillor Code of Conduct. The Councillor Code of Conduct is required to be periodically reviewed. This Councillor Code of Conduct has been prepared by Council to comply with the requirements of the Act.

This Code:

- sets out the standards of conduct expected of elected representatives;
- endeavours to foster good working relations between councillors to enable Councillors to work constructively together in the best interests of the local community; and
- mandates councillor conduct designed to build public confidence in the integrity of local government.

### Strategic Basis

Section 76B of the Act sets out the primary principle of councillor conduct as follows:

“It is the primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must:

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.”

Section 76BA of the Act sets out the general principles of councillor conduct as follows:

“In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must:

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- (b) act honestly and avoid statements (whether orally or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that it is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative;
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.”

Councillors are required to conduct themselves in observance of the primary principle and the general principles.

### Council Plan Principles

- Equity in the distribution of resources across the Shire.
- The provision and use of energy and resources will be promoted in an efficient and sustainable way.

### Finances

The cost of reviewing the Councillor Code of Conduct was done using existing resources currently budgeted within the Governance Department.

### Stakeholders

Councillors, Council staff, residents and ratepayers are all impacted by this policy.

### **Statutory Requirements/Codes/Standards/Policies**

The Councillor Code of Conduct is guided by the *Local Government Act 1989*

### **Other Options**

It is a requirement under the *Local Government Act 1989* to review the Councillor Code of Conduct. Council would be in breach of the *Act* if it did not review the Code.

### **Officer's Conclusion and Recommendation**

The Councillor Code of Conduct is aimed at ensuring Councillors conduct themselves in accordance with standards expected. This includes the standards Councillors collectively set themselves in the Code of Conduct.

Within one month of any amendment being made to a Councillor Code of Conduct, all Councillors must make a declaration stating that they will abide by the revised Code of Conduct. This declaration must be signed and witnessed by the CEO.

Failure by a Councillor to make a declaration to abide by the Councillor Code of Conduct is now a ground for disqualification as a Councillor.

### **Recommendation**

**That the Bass Coast Shire Council Councillor Code of Conduct be adopted.**

### **Attachments**

**AT-1** Councillor Code of Conduct 14 Pages

### **Council Decision**

**Moved: Cr. Andrew Phillips / Seconded: Cr. Clare Le Serve**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY**

### **Meeting closed**

The meeting closed at 4.39pm