



**GREATER
SHEPPARTON**

Greater Shepparton City Council Councillor Code of Conduct

Adopted: 16 April 2013

COUNCILLOR CODE OF CONDUCT

This Code, which incorporates the statutory requirements specified for a Code of Conduct in accordance with section 76C of the Local Government Act 1989, was adopted by resolution of the Greater Shepparton City Council on 16 April 2013.

1. Introduction

As Councillors of Greater Shepparton City Council we are committed to working together in the best interests of the people within our municipality and to discharging our responsibilities to the best of our skill and judgment.

Our commitment to working together constructively will enable us to achieve the Council Plan in a manner that is consistent with our values.

The primary role of Council is to provide leadership for the good governance of Greater Shepparton. The role of Council also includes:

- acting as a representative government by taking into account the diverse needs of the local community in decision making;
- providing leadership by establishing strategic objectives and monitoring their achievement;
- maintaining the viability of Council by ensuring that resources are managed in a responsible and accountable manner;
- advocating for the interests of the local community to other communities and governments;
- acting as a responsible partner in government by taking into account the needs of other communities; and
- fostering community cohesion and encouraging active participation in civic life.

2. Councillor Conduct Principles

We endorse and agree to Councillor Conduct Principles specified in sections 76B and 76BA of the Act.

In carrying out our role as Councillors, we will:

- act with integrity; and
- impartially exercise our responsibilities in the interests of the local community; and
- not improperly seek to confer an advantage or disadvantage on any person.

In addition, in performing our role as Councillors we will:

- avoid conflicts between our public duties as a Councillor and our personal interests and obligations; and
- act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person; and

- treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council Officers and other persons; and
- exercise reasonable care and diligence and submit ourselves to the lawful scrutiny that is appropriate to the office of Councillor; and
- endeavour to ensure that public resources are used prudently and solely in the public interest; and
- act lawfully and in accordance with the trust placed on us as an elected representative; and
- support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in our office of Councillor.

In endorsing and agreeing with these principles we additionally agree to abide to all Council policies as adopted from time to time

3. Councillor Values

As Councillors we acknowledge and endorse Greater Shepparton City Council's Organisational Values and Behaviours which follow, and how they relate to our roles as Councillors:

We will show **Leadership**, by setting an example that encourages others to strive for positive community outcomes to the best of our ability.

We will act with **Integrity**, and will be honest, responsible, transparent and accountable.

We will treat all people with **Respect**, showing consideration and appreciation of others including their cultural backgrounds and beliefs and will always seek to understand their point of view.

We are committed to being **Innovative**, by seeking continuous improvement through the application of new ideas.

We will strive to work in an environment that fosters **Teamwork**, through the understanding that we all represent and make our decisions on behalf of the community of the Greater Shepparton community and by understanding the role the organisation has in delivery of these outcomes.

4. Council decision making

We are committed to making all decisions impartially and in the best interests of the community and we acknowledge that effective decision-making is vital to the democratic process and an essential component of good governance. Accordingly:

- We will actively and openly participate in the decision making process, striving to be informed to achieve the best outcome for the community;
- We will respect the views of the individual in the debate. However, we also accept that decisions are based on a majority vote; and

- We accept that no Councillor can direct another Councillor on how to vote on any decision.

5. Confidential information

Information is confidential if:

- The information was provided to Council or a special committee in relation to a matter considered in a meeting closed to members of the public, in accordance with section 89(2) of the Act, and Council or the special committee has not passed a resolution that the information is not confidential; or
- The information has been designated as confidential by a resolution of Council or the special committee which specifies the relevant grounds applying under section 89(2) of the Act and Council has not passed a resolution that the information is not confidential; or
- The information has been designated in writing as confidential information by the Chief Executive Officer specifying the ground or grounds applying and Council has not passed a resolution that the information is not confidential. In this part c) confidential information referred to ceases to be confidential at the expiry of 50 days after the designation unless the above dot points apply.

Councillor Briefing Sessions – Confidentiality

The purpose of Councillor briefing sessions is for staff to inform, advise and seek advice from Councillors on new or existing matters. These sessions also provide the opportunity for Councillors to be informed, to discuss, to challenge, question and clarify matters, as well as discussing the development of strategy and policy.

These briefing sessions do not involve decision making as Council decisions are made at the formal meetings of Council. However Councillors may provide options for investigation that they wish to be pursued as part of any Council investigation.

Information provided at Council briefings is frequently confidential, and attendees at these briefing sessions must not disclose to any person, other than the staff directly involved in the confidential matter and fellow Councillors, any information deemed as confidential at such sessions, whether in the form of information or advice provided, discussions held, or opinions or views given, as to do so would breach section 77 of the *Local Government Act 1989*.

Councillors acknowledge that briefings papers that will form the basis of a future Council report should be treated as confidential until such time as the agenda papers are released to the public as part of the council meeting process.

6. Access to and use of council information

We will treat Council information sensitively and appropriately, by:

- Not using information gained by virtue of our position as a Councillor for any purpose than to exercise our role as a Councillor; and

- Respecting Council's policies in relation to public comments and communications with the media (refer section 10); and
- Not releasing information deemed 'confidential information' in accordance with section 77 of the Act (refer section 5); and
- Recognising the requirements of the Information Privacy Act 2000 regarding the access, use and release of personal information; and
- Councillors acknowledge that all requests made by Councillors for briefings from Council officers or access to information on Council files should be registered and reported. This obligation does not apply to requests for clarification/explanation of items on a forthcoming Council agenda. Councillors seeking information /explanation or wishing to provide feedback on a matter should do so in accordance with the Conduct of Council Business Policy.

7. Use of council resources (including funds and property)

Council resources are to be used effectively and economically.

- We will maintain adequate security over Council property, facilities and resources provided to us to assist in performing our role.
- We will not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- We will not use public funds or resources in a manner that is improper or unauthorised.

8. Relationships with Staff

As Councillors we will work as part of the Council team with the Chief Executive Officer and other members of staff. There must be mutual respect and understanding between Councillors and officers in relation to our respective roles, functions and responsibilities.

Our role is one of advocacy and leadership rather than management and administration. The Chief Executive Officer is responsible for all staff matters. As Councillors, we will be aware of the requirements of Section 76E of the Local Government Act 1989 and must not seek to improperly direct or influence members of Council staff in the exercise of their duties. It is appropriate to notify either the relevant Director or Manager when specific issues are required to be undertaken.

9. Gifts

We will not accept gifts either in our role as a Councillor or where it could be perceived to influence us in our role as a Councillor.

A gift can be accepted where the gift would generally be regarded as only having a token value and could not be perceived to influence our actions as a Councillor.

It is appropriate to accept a gift where refusal may cause offence or embarrassment, in which case we will accept the gift on behalf of Council and the gift becomes the property of Council.

- We will not solicit or ask for a gift or benefit; and
- We will not accept offers of money under any circumstance; and
- A gift greater than \$25 received in the line of duty will be regarded as the property of Council; and
- We will notify the Chief Executive Officer in relation to any gift received, with a value of \$25 or more, and arrange for the details to be registered on Council's Gift Register to protect us from any accusations that may be made in the future about misuse of position or dishonesty for not having declared a gift.

10. Communication

As representatives of the community, we have a primary responsibility to be responsive to community views and to adequately communicate the views and decisions of Council.

We will endeavour to ensure that the messages communicated through the media are clear and consistent, and positively portray Council as a decisive and responsible governing body.

The Mayor will provide official comment to the media on behalf of Council where the matter is of a political, controversial or sensitive nature.

This includes:

- State-wide political issues affecting Local Government
- Contentious local issues that impact the community that do not relate directly to the business of Council but to the representation of the community
- Issues pertaining to policy and Council decisions
- Issues relating to the strategic direction of Council.
- The Mayor may nominate to a portfolio Councillor or other Councillor to make official comment on behalf of Council, where appropriate.

The CEO is the official spokesperson for all operational matters pertaining to the Greater Shepparton City Council as an organisation including:

- Staffing and structure of the organisation.
- Corporate issues relating to service provision or the day-to-day business of Council.

The CEO may nominate a Council officer spokesperson if appropriate.

As individual Councillors we are entitled to express independent views through the media (including social media as consistent with Councils policy), however we will make it clear that any unofficial comment is a personal view, and does not represent the position of Council as a whole.

- We will not provide official information or documentation to the media directly; this will be done through or with the assistance of the Marketing and Communications Department; and

- We will not provide confidential information or documentation information to any person or organisation until such information is declared non confidential in accordance with s77 of the Local Government Act 1989.

11. Conflict of Interest Procedures

This Council is committed to making all decisions impartially and in the best interests of the whole community. We therefore recognise the importance of fully observing the requirements of the Act in regard to the disclosure of conflicts of interest.

For the purpose of this Code, “direct interest”, “indirect interest” and “conflicts of interest”, have the meanings specified in s 77A, 77B, 78, 78A, 78B, 78C, 78D and 78E of the Act.

We will comply with all the provisions of the Act in regard to Conflicts of Interest:

- If as a Councillor I consider that I have a direct or indirect interest in a matter before Council, a special committee of council or an assembly of Councillors, I have a conflict of interest; and
- If I as a Councillor have a conflict of interest in a matter I will comply with the requirements of the Act and ensure that I disclose the class and nature of the interest, leave the room in which the meeting or assembly is being held during any discussion, debate and vote on the matter; and
- If I as a Councillor have a personal interest in a matter to be considered by Council or a special committee that is not a conflict of interest, and I consider that my personal interest may be in conflict with my public duty to act impartially and in the interest of the whole community, I will declare a conflicting personal interest under section 79B of the Act immediately before the matter is considered at the relevant meeting and apply to Council or special committee to be exempted from voting on the matter.

In addition to the requirements of the Act:

- We will give early consideration to each matter to be considered by Council, any special committee to which we belong, or assembly of Councillors, to ascertain if we have a conflict of interest; and
- We recognise that the legal onus to determine whether a conflict of interest exists rests entirely with each of us as individual Councillors and that Council officers cannot offer any advice in relation to potential conflicts. If we cannot confidently say that we do not have a conflict of interest, we will declare a conflict of interest and comply with the relevant requirements as if we had a conflict of interest; and
- If we consider that we may be unable to vote on a matter because of a conflict of interest, we will notify, as soon as possible, the Mayor or the Committee Chair, depending on whether the matter is to be considered by Council, a special committee, or an assembly of Councillors, as well as the Chief Executive Officer.

12. Dispute Resolution Procedures

Before commencing any formal dispute resolution process, the Councillors who are parties to any disagreement will endeavour to resolve our differences in a courteous and respectful manner, recognising that we have been elected to represent the best interests of our community.

In the event of any dispute occurring where we as Councillors are unable to resolve interpersonal conflicts that adversely affect the operation of Council, the parties to the dispute agree to work together to try to resolve the dispute and will agree to the appointment of a mediator nominated by the Chief Executive Officer and acceptable to both parties, or failing agreement, nominated by the President of the Municipal Association of Victoria and appointed by the Chief Executive Officer, if they are unable to resolve the dispute within 14 days.

If a mediator is appointed, all Councillors agree to cooperate with the dispute resolution process and use our best endeavours to assist the mediator when requested.

If an appropriate time and location cannot be agreed upon, the Chief Executive Officer will set the time and place for the mediation session.

In the event that a dispute cannot be resolved through application of these processes, or both parties do not attend the mediation session, it may be referred to a Councillor Conduct Panel.

If the dispute relates to an apparent offence under the Local Government Act it should be referred to the Minister for Local Government and not the subject of an application to a Councillor Conduct Panel.

The dispute resolution procedure is not intended to resolve differences in policy or decision making, which are appropriately resolved through debate and voting in Council and Committee meetings

Endorsement

This Code of Conduct was adopted by Council on 16 April 2013 and is signed by the following Councillors:

Signatures

Cr Jenny Houlihan

Cr Milvan Muto

Cr Les Oroszvary

Cr Dennis Patterson

Cr Michael Polan

Cr Kevin Ryan

Cr Fern Summer