

# COUNCIL POLICY



<b>Councillor Code of Conduct</b>	TRIM folder:	18/04/61
	Approval date:	14/09/2009
	Approved by:	Council
	Review Date	By Nov 2013
Responsible Officer: <b>Manager Governance &amp; Risk Management</b>	Expiry Date	Nov 2013
	Version No	1
Authorising Officer:	<b>Chief Executive Officer</b>	

## 1. PURPOSE

The Code is designed to facilitate the effective functioning of the Council and Councillors.

This Code incorporates the statutory requirements specified for a Councillor Code of Conduct in accordance with section 76C of the *Local Government Act 1989* (see clause 3 of this Code).

## 2. INTRODUCTION

The Councillors of the Port Phillip Council are committed to working together in the best interests of the people within the municipality and to discharging their responsibilities to the best of their skill and judgement.

The Councillors commit to working together constructively to enable them to achieve the best outcomes for the local community having regard to the long term and cumulative effects of their decisions.

The direction for the Port Phillip Council is set by the elected Council, through the Council Plan and Council policy. Councillors will work constructively with the Chief Executive Officer, who is responsible for staffing matters and who will ensure appropriate protocols are in place for communications between Councillors and staff.

## 3. COUNCILLOR PRIMARY & GENERAL CONDUCT PRINCIPLES

In carrying out the role of a Councillor, Councillors will:

- a. act with integrity;
- b. impartially exercise his or her responsibilities in the interests of the local community;
- c. not improperly seek to confer an advantage or disadvantage to any person;
- d. avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- e. act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;

- f. treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, council officers and other persons;
- g. exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- h. endeavour to ensure that public resources are used prudently and solely in the public interest;
- i. act lawfully and in accordance with the trust placed in him or her as elected representatives;
- j. 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.

These principles describe the standards that the community has a right to expect of its Councillors.

#### **4. DISPUTE RESOLUTION PROCEDURES**

- a. The guiding principle of the dispute resolution procedure is that every Councillor has the right to be heard.
- b. Before commencing any formal dispute resolution process, the Councillors who are parties to any disagreement will endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.
- c. Any grievance that cannot be resolved by the parties is to be brought before the Mayor or where the Mayor is involved in the dispute, the Deputy Mayor, to attempt to resolve the grievance.
- d. Where a matter cannot be resolved following the processes outlined in (b) and (c) above, the Chief Executive Officer may appoint an independent mediator to attempt to resolve the grievance.
- e. If a mediator is appointed, all Councillors agree to cooperate with the dispute resolution process and use their best endeavours to assist the mediator when requested.
- f. In the event that a dispute cannot be resolved through the application of these processes, it may be referred to a Councillor Conduct Panel.
- g. A Council by resolution, or a Councillor, or group of Councillors can apply for a Councillor Conduct Panel to be established in accordance with the requirements of the Act.
- h. The dispute resolution procedure is not intended to resolve differences in policy or decision making, which are appropriately resolved through debate and voting in the Council and committee meetings.

#### **5. SCOPE**

This policy applies to the Councillors of the Port Phillip Council.

#### **6. REFERENCES**

- Local Government Act 1989

## **7. DEFINITIONS**

- “Act” means the *Local Government Act 1989*.
- “Code” means this policy adopted by the Council and that is still current.
- “Independent mediator” means a person qualified to act as a mediator and who is recommended by the Law Institute of Victoria, the Municipal Association of Victoria or the Victorian Local Governance Association.

## **8. ATTACHMENTS**

Nil