



2.1 **REVIEW OF COUNCILLOR CODE OF CONDUCT FEBRUARY 2017**

LOCATION/ADDRESS: **WHOLE OF MUNICIPALITY**

GENERAL MANAGER: **DORON KARLINER, GOVERNANCE**

PREPARED BY: **MURRAY CHICK, COORDINATOR GOVERNANCE**

TRIM FILE NO: **F14/321**

ATTACHMENTS: **1. Councillor Code of Conduct revised**

PURPOSE

- For Council to review its Councillor Code of Conduct prior to 22 February 2017 to meet Council's statutory obligations under section 76C of the Local Government Act 1989.

1. RECOMMENDATION

That Council:

- 1.1 Having reviewed its Councillor Code of Conduct in accordance with sec 76C(2) of the Local Government Act 1989 approves the Councillor Code of Conduct (attachment 1).

2. BACKGROUND

- 2.1 Council adopted its Councillor Code of Conduct at an Ordinary Council meeting on 28 June 2016.
- 2.2 At the 7 November 2016 Special Council meeting all Councillors made a written declaration before the Chief Executive Officer that they have read and agree to abide by the Code of Conduct.
- 2.3 Section 76C (2) of the Local Government Act 1989 (the Act) requires Council within 4 months after a general election (22 February 2017) to
- 2.3.1 Call a Special Meeting of Council solely for the purpose of reviewing the Councillor Code of Conduct; and
- 2.3.2 At that Special Meeting, approve any amendments to be made to the Councillor Code of Conduct determined by the Council to be necessary following the review of the Councillor Code of Conduct.

3. KEY INFORMATION

- 3.1 This meeting is for Council to formally review its Councillor Code of Conduct and to make amendments if necessary.

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- 3.2 This report recommends altering the signing pages of the Code of Conduct so that all written declarations made by Councillors and witnessed by the CEO are contained in an individual signature block as recommended by the Local Government Department. Attachment I reflects this revision to the Code of Conduct adopted by Council on 28 June 2016.
- 3.3 Council's current adopted Code of Conduct clause 3.3 Media reads as follows:
- 3.3.1 The Mayor is the Council's primary media spokesperson.
 - 3.3.2 The Mayor may authorise the Deputy Mayor to be the media spokesperson if the Mayor is unavailable but can also authorise Ward Councillors to be media spokespersons on relevant ward issues from time to time.
 - 3.3.3 On any internal organisational matters, the CEO is the Council spokesperson.
 - 3.3.4 Councillors should refer any media related enquiries to the Mayor and Media Centre.
 - 3.3.5 Councillors should not engage with the media directly without the consent of the Mayor, as the Council spokesperson.
- 3.4 Councillors through the review process have also highlighted the following potential replacement wording in the Councillor Code of Conduct for clause 3.3 Media:
- 3.4.1 *The Act provides that the Mayor is the principal spokesperson for the Council.*
 - 3.4.2 *The Mayor may authorise the Deputy Mayor and/or Ward Councillors to be the media spokesperson.*
 - 3.4.3 *On any internal organisational matters, the CEO is the Council spokesperson.*
 - 3.4.4 *Councillors may express their individual personal views through the media. When this occurs, it needs to be clear that any such comment is a personal view and does not represent the position of Council. Any such commentary should not include any remarks that could reasonably be construed as being derogatory, offensive or insulting to any person.*
 - 3.4.5 *Prior to Councillors exercising their right under section d) above, Councillors should endeavour to consult the Mayor and inform the media centre.*
- 3.5 The attached Councillor Code of Conduct has been amended to reflect the above changes as detailed in paragraph 3.4 of this report to clause 3.3 Media for Council's consideration.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 Council is committed to lead in demonstrating good governance to the community. This is reflected as a core theme of the Council Plan 'Engaged' – a well governed City'.
- 4.2 The revised Councillor Code of Conduct has sought to strengthen this commitment to good governance by embedding the proactive approach taken by Council to develop and maintain a team culture to fulfil Council's role in the stewardship of the City of Port Phillip.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The review of the Councillor Code of Conduct has involved all Councillors through a series of internal discussions held on 13 December 2016 and 20 December 2016 together with a workshop which was held on 25 January 2017. At this workshop Councillors also received examples of other Councils' adopted Councillor Codes of Conduct.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Council has a legal requirement under section 76C (2) of the Act to review its Councillor Code of Conduct within 4 months after a general election (22 February 2017).
- 6.2 Sections 76C (6A) and (6B) of the Act states that within one month of amendments to the Councillor Code of Conduct being approved by Council, all Councillors must make a written declaration before the Chief Executive Officer as witness that they have read and agree to abide by the Code of Conduct.

7. SUSTAINABILITY – Triple Bottom Line

- 7.1 The Councillor Code of Conduct in the introduction refers to the Councillors interest to uphold the Objectives of the Local Government Act 1989 ("the Act") in Section 3c that includes:
 - (1) The primary objective of a Council is to endeavour to achieve the best outcome for the local community having regard to the long term and cumulative effects of decisions
 - (2) In seeking to achieve its primary objective, a Council must have regard to promoting the social, economic and environmental viability and sustainability of the municipal district.



8. IMPLEMENTATION STRATEGY

- 8.1 Council is required to review the Councillor Code of Conduct by 22 February 2017 and if amendments are made at this Special Meeting of Council then all Councillors must make a written declaration before the Chief Executive Officer by 15 March 2017 that they have read and agree to abide by the Councillor Code of Conduct.
- 8.2 The reviewed Councillor Code of Conduct will be given to each Councillor and made available for public inspection at all three town halls and also placed on Council's website immediately following Council's consideration and endorsement.

9. OFFICER DIRECT OR INDIRECT INTEREST

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