

**LODDON SHIRE COUNCIL - MINUTES OF THE SPECIAL MEETING
HELD IN THE COUNCIL CHAMBERS, SERPENTINE – TUESDAY 24 MAY 2016**

The meeting commenced at 2.50pm with the Prayer.

Present

Cr Neil Beattie (Mayor)
Cr Colleen Condliffe
Cr Geoff Curnow
Cr Gavan Holt
Cr Cheryl McKinnon

In attendance

Ms Marg Allan, A/Chief Executive Officer
Mr Ian McLauchlan, Director Operations
Mrs Wendy Gladman, Director Community Wellbeing
Mrs Jude Holt, Director Corporate Services
Ms Lynne Habner, Executive Assistant to CEO

ORDER OF BUSINESS

1. **APOLOGIES** 2
2. **REVISED COUNCILLOR CODE OF CONDUCT**..... 2

UNCONFIRMED

1. APOLOGIES

Nil.

2. REVISED COUNCILLOR CODE OF CONDUCT

SUMMARY

Seeking adoption of the revised Councillor Code of Conduct, following amendments to incorporate new requirements from the Local Government Act 1989.

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| Author | Lynne Habner, Executive Assistant |
| Council Plan ref: | Core business 8: Compliance |
| File no: | 02/01/004 |
| Attachment: | Draft revised Councillor Code of Conduct |

RECOMMENDATION

That Council adopt the revised Councillor Code of Conduct

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

| |
|----|
| No |
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If yes, the following details identify the conflict of interest.

| Officer name | Nature of interest | Reason for conflict |
|---------------------------|--|---|
| Click here to enter text. | Choose an item. If indirect, the type of indirect interest is: Choose an item. | [Explain the specific circumstances of this person's conflict of interest.] |

[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Revisions to the Code of Conduct were presented to councillors at the May Council Forum.

BACKGROUND

The recent review of the Local Government Act 1989 resulted in several amendments relating to councillors and specific requirements relating to the Councillor Code of Conduct.

The Act now requires that a Council must, within 4 months after a general election:

- (a) call a special meeting solely for the purpose of reviewing the Councillor Code of Conduct; and
- (b) 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.

Now that the amendments have been made to the Act, councils are required to review the current Councillor Code of Conduct and make any necessary changes at a special meeting of Council called solely for that purpose by 4 July 2016.

A copy of this Code of Conduct (as amended from time to time) must be:

- given to each councillor
- available for inspection at the council office and any district offices

- published on the Council's internet website.

From the 2016 Council elections, a person elected to be a Councillor is not capable of acting as a Councillor until the person has read the Councillor Code of Conduct and made a declaration stating that they will abide by the Councillor Code of Conduct.

It is the personal responsibility of councillors to ensure that they are conversant with, and comply with, the provisions of this Code.

ISSUES/DISCUSSION

The current Code of Conduct has been revised into a new draft to comply with the requirements of the Local Government Act as follows:

- The role of councillors and the updated functions of the Mayor have been included in the code.
- Specific conduct issues have been identified for compliance, including misuse of position, gifts and benefits, improper direction and improper influence, confidential information, conflict of interest, and other legislative requirements. The code requires that councillors will comply with each of these matters.
- Specific dispute resolution procedures have been included in the code, including the involvement of an independent arbiter, as required by the Act.
- The dispute resolution procedure assigns specific responsibilities to a Principal Conduct Officer appointed by the CEO. The Principal Conduct Officer for Loddon Shire is Jude Holt, Director Corporate Services.
- A declaration by councillors has been included, which (under section 76(6A)) is required to be made by each councillor within one month of amendments being made to the Councillor Code of Conduct.

COSTS/BENEFITS

No costs are associated with this recommendation.

RISK ANALYSIS

Adoption of the new Code will enable Council to comply with the requirements of the Local Government Act 1989, and will provide transparency to the public when the adopted document is available at Council offices and on the website.

CONSULTATION AND ENGAGEMENT

Councillors were consulted about the changes to the Code.

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| <u>MOTION</u> | |
| Moved: Cr McKinnon | Seconded: Cr Condliffe |
| That Council adopt the revised Councillor Code of Conduct | |
| Carried | |