

# AGENDA

FOR THE  
GREATER SHEPPARTON CITY COUNCIL

## SPECIAL COUNCIL MEETING

TO BE HELD ON  
TUESDAY 28 JUNE, 2016  
AT 5.00PM

IN THE COUNCIL BOARDROOM

**COUNCILLORS:**

Cr Dinny Adem (Mayor)  
Cr Fern Summer (Deputy Mayor)  
Cr Chris Hazelman  
Cr Jenny Houlihan  
Cr Les Oroszvary  
Cr Dennis Patterson  
Cr Kevin Ryan

**VISION**

*A THRIVING ECONOMY IN THE FOODBOWL OF VICTORIA WITH  
EXCELLENT LIFESTYLES, INNOVATIVE AGRICULTURE  
A DIVERSE COMMUNITY AND  
ABUNDANT OPPORTUNITIES*



**A G E N D A  
FOR THE  
SPECIAL COUNCIL MEETING  
TO BE HELD ON  
TUESDAY 28 JUNE, 2016 AT 5.00PM**

**CHAIR  
CR DINNY ADEM**

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## RISK LEVEL MATRIX LEGEND

**Note: A number of reports in this agenda include a section on “risk management implications”. The following table shows the legend to the codes used in the reports.**

Likelihood	Consequences				
	Negligible (5)	Minor (4)	Moderate (3)	Major (2)	Catastrophic (1)
<b>Almost Certain (A)</b> Event expected to occur several times per year (i.e. Weekly)	Low	Moderate	High	Extreme	Extreme
<b>Likely (B)</b> Will probably occur at some stage based on evidence of previous incidents (i.e. Monthly)	Low	Moderate	Moderate	High	Extreme
<b>Possible (C)</b> Not generally expected to occur but may under specific circumstances (i.e. Yearly)	Low	Low	Moderate	High	High
<b>Unlikely (D)</b> Conceivable but not likely to occur under normal operations (i.e. 5-10 year period)	Insignificant	Low	Moderate	Moderate	High
<b>Rare (E)</b> Only ever occurs under exceptional circumstances (i.e. +10 years)	Insignificant	Insignificant	Low	Moderate	High

**Extreme** CEO’s attention immediately required. Possibly avoid undertaking the activity OR implement new controls

**High** Director’s attention required. Consider suspending or ending activity OR implement additional controls

**Moderate** Manager’s attention required. Ensure that controls are in place and operating and management responsibility is agreed

**Low** Operational, manage through usual procedures and accountabilities

**Insignificant** Operational, add treatments where appropriate

**PRESENT:**

**1. ACKNOWLEDGEMENT**

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors.”

**2. APOLOGIES**

**3. DECLARATIONS OF CONFLICT OF INTEREST**

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a “conflict of interest” in a decision if they would receive, or could reasonably be perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

**Disclosure must occur immediately before the matter is considered or discussed.**

## 4. CORPORATE SERVICES DIRECTORATE

### 4.1 Councillor Code of Conduct

#### **Disclosures of conflicts of interest in relation to advice provided in this report**

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Council Officers involved in producing this report**

**Author: Councillor Support Assistant and Team Leader Governance**

**Proof reader(s): Manager Corporate Governance**

**Approved by: Director Corporate Services**

#### **Executive Summary**

The *Local Government Act 1989* ("the Act") requires a Council to develop and maintain a Councillor Code of Conduct, which is required to be periodically reviewed.

The Councillor Code of Conduct:

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

Recent changes to the Act, in particular Section 76C, requires Council to amend and adopt their Councillor Code of Conduct by 4 July 2016. A notable change to the legislation was the need to include an internal resolution procedure for dealing with alleged contravention of the Councillor Code of Conduct.

It is important to note that the adoption of a Councillor Code of Conduct is not discretionary, and the Act clearly stipulates under Section 81AA the internal resolution procedure which it must address.

### **RECOMMENDATION**

That the Council adopt the Councillor Code of Conduct.

#### **Background**

Recent changes to the Act requires Council to amend their Councillor Code of Conduct to include an internal resolution procedure and the process of engaging an arbiter as part of the resolution procedure.

The internal resolution procedure provides for an arbiter to hear and determine on allegations that a Councillor has contravened the Councillor Code of Conduct.

The Municipal Association of Victoria (MAV) has developed a model Councillor Code of Conduct to assist Councils with this review. The amended Greater Shepparton City Council Councillor Code of Conduct has incorporated the suggestions provided by MAV, in addition to maintaining other key elements of the existing Code relevant to Greater Shepparton.

## 4. CORPORATE SERVICES DIRECTORATE

### 4.1 Councillor Code of Conduct (continued)

#### **Council Plan/Key Strategic Activity**

The draft Code of Conduct is consistent with the Strategic Objective No. 35 – Provide best practice management and administrative systems and structures to support the delivery of Council services and programs.

#### **Risk Management**

A risk assessment is not required in relation to the amendment and adoption of the Code of Conduct. The amendments being made to the Councillor Code of Conduct are a result of a statutory requirement under the Act. The only risk identified would be if Councillors chose not to adopt the Code, and therefore were in breach of legislation.

#### **Policy Considerations**

The amendment and adoption of the Code of Conduct does not conflict with any Council policies.

#### **Financial Implications**

There are no Financial Implications associated with the amendment and adoption of the Code of Conduct.

#### **Legal/Statutory Implications**

Amendments to Section 76C of the Act requires Council to amend the Councillor Code of Conduct by 4 July 2016 to include the internal resolution procedure for dealing with an alleged contravention of the Councillor Code of Conduct by a Councillor.

#### **Environmental/Sustainability Impacts**

There are no Environmental/Sustainability impacts associated with the amendment and adoption of the Code of Conduct.

#### **Social Implications**

There are no Social Implications associated with the amendment and adoption of the Code of Conduct.

#### **Economic Impacts**

There are no Economic Impacts associated with the amendment and adoption of the Code of Conduct.

#### **Consultation**

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

The draft Code of Conduct does not conflict with the strategies contained in the Greater Shepparton 2030 Strategy

##### b) Other strategic links

No other strategic links have been identified

## 4. CORPORATE SERVICES DIRECTORATE

### 4.1 Councillor Code of Conduct (continued)

#### **Conclusion**

The Councillor Code of Conduct has been amended in accordance with the Act and MAV guidelines and is now ready for the Council consideration / adoption.

#### **Attachments**

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