



**GREATER
SHEPPARTON**

Greater Shepparton City Council

Councillor Code of Conduct

Adopted: 16 February 2021

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Councillor Code of Conduct

Introduction

In accordance with s.139 of the *Local Government Act 2020* (Act) Council is required to develop and maintain a Councillor Code of Conduct which complies with the legislative requirements of the Act and the *Local Government (Governance and Integrity) Regulations 2020* (Regulations).

Purpose of the Councillor Code of Conduct

The purpose of this Code of Conduct is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification.

This Code:

- sets out standards of conduct expected of Councillors;
- endeavours to foster good working relations between Councillors to enable Councillors to work constructively and in the best interests of the municipal community; and
- mandates Councillor conduct designed to build public confidence in the integrity of Council and Local Government generally.

Roles and Functions of the Mayor, Councillors and the CEO

Role of the Mayor

The role of the Mayor is outlined in s.18 of the Act.

Role of Councillors

The role of Councillors is outlined in s.28 of the Act.

- The role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer.

Functions of the Chief Executive Officer (CEO)

The functions of the CEO are outlined in section 46 of the Act.

Standards of Conduct

The Act and Regulations place obligations on Councillors in relation to the way they are required to conduct themselves when performing the role of Councillor.

The following Standards of Conduct are prescribed by the Regulations and must be complied with by all Councillors:

1 Treatment of others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor:

- (a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the *Equal Opportunity Act 2010*;
- (b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- (c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and (d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

2 Performing the role of Councillor

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor:

- (a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor;
- (b) diligently uses Council processes to become informed about matters which are subject to Council decisions;
- (c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

3 Compliance with good governance measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following:

- (a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- (b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- (c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act; and
- (d) any directions of the Minister issued under section 175 of the Act.

4 Councillor must not discredit or mislead Council or public

In performing the role of a Councillor, a Councillor must:

- (a) ensure that their behaviour does not bring discredit upon the Council; and
- (b) not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

5 Standards do not limit robust political debate

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

Councillor Commitment

Respect the functions of the CEO

We undertake to respect the functions of the CEO and to comply with the policies, practices and protocols defining appropriate arrangements for interaction between Council staff and Councillors that are put in place by the CEO.

Use of Council resources

We commit to using Council resources effectively and economically. We will:

- maintain adequate security over Council property, facilities and resources provided to us to assist in performing our role and will comply with any Council policies applying to their use;
- ensure any expense claims that we submit are in compliance with the relevant legislative provisions and Council policy;
- 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; and
- not use public funds or resources in a manner that is improper or unauthorised.

Communication

We recognise that as representatives of the local community, we have a primary responsibility to be responsive to community views and to accurately communicate the position and decisions of Council.

We undertake to comply with the Council's media policy (07.POL1) and respect the functions of the Mayor and Chief Executive Officer to be the spokespersons for the Council in accordance with our policy.

We acknowledge that individual Councillors are entitled to express their personal opinions through the media. Where we choose to do so, we will make it clear that such comment is a personal view and does not represent the position of Council. We undertake to ensure that any such comment is devoid of comments that could reasonably be construed as being derogatory, offensive or insulting to any person.

Personal dealings with Council

When we deal with our Council in our private capacity (e.g. as a ratepayer, recipient of a Council service or applicant for a permit) we do not expect nor will we request preferential treatment in relation to any such private matter. We will avoid any action that could lead Council staff or members of the public to believe that we are seeking preferential treatment.

Prohibited Conduct

The Act contains specific provisions that prohibit Councillors from engaging in certain types of conduct relating to:

- Misuse of position;
- Improper direction of Council staff;
- Confidential information; and
- Conflicts of interest.

Dispute Resolution

Before commencing any dispute resolution process, the Councillors who are parties to a dispute, with the assistance of the Mayor or Deputy Mayor are expected to use their best endeavours to resolve the matter in an informal mediation in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the municipal community.

After these endeavours have been exhausted, if the matter still remains unresolved, the parties may refer the matter externally for resolution.

In circumstances where it is alleged that a Councillor has breached the standards of conduct, the matter may be referred to arbitration in accordance with the internal arbitration process contained in s.141 of the Act.

In accordance with s.143 of the Act the application for arbitration which must be referred to the Principal Councillor Conduct Registrar may be made by an individual Councillor, a group of Councillors or following a resolution of the Council.

An application must be made within 3 months of the alleged misconduct occurring and must include the following prescribed matters:

- I. the name of the Councillor alleged to have breached the standards of conduct;
 - II. the clause of the standards of conduct that the Councillor is alleged to have breached; and
 - III. the misconduct that the Councillor is alleged to have engaged in that resulted in the breach.
- An application cannot be made during the Election Period.
 - Councillors may be legally represented at the arbitration with the consent of the arbiter.

The Principal Councillor Conduct Registrar

The Principal Councillor Conduct Registrar is appointed in accordance with section 148 of the Act and their functions and powers are outlined in section 149 of the Act.

The Councillor Conduct Officer

The Councillor Conduct Officer is appointed in accordance with s.150 of the Act and their functions are outlined in section 151 of the Act.

Sanctions which may be imposed by an Arbiter

If after completing the internal arbitration process, the arbiter determines that a Councillor has failed to comply with the prescribed standards of conduct, the arbiter may make a finding of misconduct against the Councillor.

If an arbiter has made a finding of misconduct against a Councillor, the arbiter may do any one or more of the following:

- (a) direct the Councillor to make an apology in a form or manner specified by the arbiter;
- (b) suspend the Councillor from the office of Councillor for a period specified by the arbiter not exceeding one month;
- (c) direct that the Councillor be removed from any position where the Councillor represents the Council for the period determined by the arbiter;
- (d) direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the arbiter; or
- (e) direct a Councillor to attend or undergo training or counselling specified by the arbiter.

Councillor Conduct Panels | Serious Misconduct

Council or any individual Councillor may apply to the Principal Councillor Conduct Registrar for a Councillor Conduct Panel to consider an allegation of serious misconduct by a Councillor in accordance with sections 153-170 of the Act.

Endorsement

This Code of Conduct was adopted by Council on 16 February 2021.