

Code of Conduct



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1 Introduction

- Towong incorporates two pre-amalgamation shires, meaning two historical communities.
- It is a large geographic area with five Councillors elected on an unsubdivided basis. Communication and consultation are challenging issues
- There are many communities in Towong, including the farming and non-farming communities. These different communities have differing expectations of Council. Community profiles are changing over time
- Council has tight resources but good strategies in place. However the differing demands from communities and individuals place pressures on Council

The above issues make for a complex governance situation which can put pressure on roles and relationships. These governance protocols are expected to assist Towong in its governance of its municipality.

These are Towong's governance protocols and all of us are responsible for upholding them.

2 Towong's vision

"We will be a World Class small Council and Towong Shire will be the ideal place to live"

3 Towong's mission

"To provide leadership and service to the Towong Shire Community that adds value and enhances social, economic and environmental wellbeing now and in the future"

4 Towong's values

Respect

We will listen and consider other perspectives and treat each other with courtesy

Integrity

We will seek the common good

Pride

We will always take care in what we do

Teamwork

We will help others to achieve by being positive, enthusiastic and confident

5 Purpose of governance protocols

- To help us provide good governance for the Towong municipality
- To create common understandings of the different roles of Councillors and the administration
- To identify the key relationships and how they can contribute to good governance
- To support good governance by creating a framework in which the legitimate differences in opinions, beliefs and values can be discussed constructively and resolved in the interests of the Towong municipality
- To meet the legislative requirements for municipalities to have a code of conduct

6 Towong's governance vision

In Towong, good governance is:

- Good decision-making processes

We believe that good decisions are more likely to be made if we follow good processes. Our processes are outlined in Section 9 in this document.

- Leadership

Sometimes we must make decisions which we believe to be correct even if they are not supported by the majority of our community

- Fair and honest

We aim to be fair and honest in the way that we approach issues. We will be open-minded and treat issues and people on their merits.

- Strategic

Our decisions should be based on the long-term interests of the Towong municipality. The principles underpinning our Business Excellence Framework include:

** Clear direction allows organisational alignment, and a focus on the achievement of goals (Principle 1)*

** Mutually agreed plans translate organisational direction into action (Principle 2)*

- Accountable

We are accountable to the Towong community who elected us and we make decisions in what we believe to be its best interests

- Transparent

We make decisions in a way in which people can follow and understand why we make the decisions we do

- Efficient and effective

We understand that the best possible use has to be made of Towong's scarce resources and that they should be used in a way which best achieves the community's goals

- Consultative

We believe that we have the best chance of making good decisions if we listen to the opinions of those who will be affected by the decision. We understand that consultation involves informing ourselves about the views of those affected by our decisions. Our accountability then requires us to make the decisions we believe to be in the best interests of the Towong community.

BEF Principle 3 – "Understanding what people value, now and in the future, influences organisational direction strategy and action"

- Based on respect for each other

In local government, good governance requires that we understand and respect each other's roles and opinions. We know that we can have different opinions and perspectives. We are committed to working together effectively and treating each other with courtesy.

7 Roles

We believe that an understanding and agreement of the different roles within a local government helps us govern better. At Towong, the key roles are as follows:

7.1 Mayor

At Towong, we recognise that the Mayor is the leader of Council and the local government as a whole. We also understand that the Mayor's authority is similar to that of any councillor and as such, exists only when Council makes resolutions at the formal Council meeting. The Mayor's roles are:

- To chair Council meetings effectively and in a way which maximises the ability of Councillors to participate in decision-making
- To play a uniting role in bringing Councillors together and supporting a fair go for all Councillors
- To be the public face of Council and to be the main media spokesperson
- To help keep Councillors informed about the key issues
- To oversee dispute resolution processes between Councillors except when the Mayor is a party to the dispute. In this case, Council will nominate another councillor to oversee the process
- To support Councillors through ensuring the provision of appropriate training and development and encouraging Councillors to participate
- To assist in liaison between Councillors and the CEO

7.2 Council

- To advocate on behalf of the community
- To plan for the future of Towong through general and specific strategic planning
- To oversee and monitor progress towards achieving the strategic plans
- To develop policy to guide programs and services
- To make decisions on all matters within Council's responsibility
- To make laws and enforce them as appropriate
- To work in partnership with other levels of government for the benefit of Towong

7.3 Councillors

At Towong we recognise that Councillors need to work together to achieve good outcomes for the municipality. We believe we are assisted in this aim by having an unsubdivided municipality. We also understand that Councillors represent their constituents and that combining these two roles can, at times, cause tensions for Councillors. We aim to support Councillors in achieving all their roles. We expect that Councillors will manage their differing roles thoughtfully and in the best interests of the municipality as a whole.

- To advocate and represent to Council on behalf of their constituents
- To facilitate communication between Council and the community
- To debate the issues in an open, honest and informed manner to assist the decision-making process

7.4 Chief Executive Officer (CEO)

The CEO has many important roles at Towong. In terms of good governance, the CEO has a critical role in fostering a culture within the organisation that supports democratic governance and respects the role of Councillors in the local government system.

- Provision of advice to Councillors
- Managing the organisation
- Ensuring the implementation of Council decisions
- Councillors
- Help manage the relationship between elected representatives and the administration
- Providing advice and support to individual Councillors
- Fostering a positive culture within the organisation
- Working closely with the Mayor to provide leadership and direction to the municipality

7.5 Administration

At Towong, the Administration recognises that it is in the local government sector and its function is to support democratic governance. It is sensitive to the differing roles of and the many pressures on Councillors and works to support Council, Councillors and the CEO in the interests of Towong.

- Delivery of programs and services (within budgets)
- Through the CEO, providing support, advice and information to Council and Councillors
- Implementing Council decisions
- Ensuring compliance with relevant legislation

8 Relationships

At Towong, we believe that good working relationships are a key factor in helping us govern well. All relationships at Towong should be characterised by our values and an understanding of everyone's different roles. The key relationships and their key characteristics are as follows:

8.1 Mayor/Councillors

A good relationship between the Mayor and Councillors will assist in all working together to deliver the community plan. It will also increase the public credibility of the Towong Shire

- The Mayor is the leader of the Council and this role should be respected by all Councillors
- The Mayor should facilitate an inclusive approach to decision-making and involvement in Council activities in general
- The Mayor is responsible for Councillors' training and development and should work with the CEO to ensure that Councillors receive necessary training opportunities
- The Mayor is a source of assistance for Councillors and also has the responsibility for facilitating resolution of any disputes between Councillors

8.2 Councillors/Councillors

Councillors need each other to achieve their individual and collective goals. Good relationships between Councillors will assist in achieving a successful Council, a pleasant working environment and a Council with public credibility.

- Councillors need to have good working relationships to succeed individually and collectively
- While they may have different views, Councillors should treat each other with respect and courtesy
- Disagreements, if they must be aired, should be expressed in a way that causes no detriment to individual Councillors or the Council as a whole.
- Councillors should not undermine each other, either within the local government or in public

8.3 Mayor /CEO

This important relationship can assist in the smooth running of the local government through good communication and anticipation of issues. It should be outward looking – that is focussed on how the elected representatives and the organisation can be supported to best achieve the local government’s goals.

- The Mayor and CEO need to work closely together and must strive for a good working relationship
- The relationship between the Mayor and CEO needs to be characterised by consistency, openness and good communication. Each has the responsibility to keep the other informed about important and relevant issues. Good communication should ensure that an understanding develops about what is important and relevant.
- The Mayor and the CEO understand that each has different roles and authorities. At Towong, we understand that while the Mayor is the leader of the local government, this position has no inherent authority while the CEO has specific authorities. The relationship between the Mayor and the CEO is sensitive to this issue.
- At Towong, the relationship between the Mayor and the CEO aims to facilitate involvement and inclusion amongst the elected representatives and the administration. It does not seek to concentrate power in the relationship.
- At Towong, the Mayor and the CEO recognise the importance of consistent communication and to support this, have regular (weekly) meetings

8.4 Councillors/CEO

Good relationships between Councillors and the CEO assist good governance. The CEO is often able to assist Councillors in addressing constituent issues. Councillors can keep the CEO informed about issues. Good relationships between the CEO and Councillors can improve liaison between the elected representatives and the administration.

The CEO is also accountable to elected representatives when they sit as Council. Elected representatives, sitting as Council are also responsible for performance management of the CEO.

- At Towong, we recognise that performance management of the CEO is important to the local government achieving its goals. We understand that setting the goals for the CEO is as important as assessing whether they have been achieved. Councillors commit themselves to spending the necessary time to set the goals as well as assessing their achievement.
- We understand that the relationship between Councillors and CEO is based on a good understanding of each other's roles
- Councillors understand that the CEO can be a source of advice and support and that good communication between Councillors and the CEO can assist the CEO's role

8.5 Councillors/Administration

At Towong we want to encourage an open organisation, with information being freely available and with everyone having a better understanding of overall goals. We recognise that in a small rural shire, it is neither realistic nor appropriate to attempt to prevent communication between Councillors and staff members. However, if information is to be freely available, we all must be responsible for how we use it.

Information should always be used for positive purposes, not to undermine individuals or the Council. Information that comes to Councillors through formal channels is accountable; information that comes from other sources should always be validated.

We believe that councillor-staff communication should incorporate the following understandings:

- An understanding of the complexity of both the elected representatives and administration's roles. Every effort should be made to understand where the other side is coming from.
- An understanding that formal advice to elected representatives and Council comes only from the CEO and Directors. This is the only advice against which people can be held accountable
- Communication on important matters should always involve the Mayor and/or Councillors and the CEO and/or Directors
- Councillors do not have the authority to direct staff members
- Communication should be based on respect for each other and should not be used to undermine other Councillors or staff members
- Staff members should inform their manager about any contacts with Councillors at which policies or programs were discussed in order to ensure that Councillors are receiving validated information
- Councillors at Towong recognise that they have very important positions, in the eyes of staff. Staff members like to know Councillors. However, both Councillors and staff should be aware of the impact they can have on each other and be sensitive to this.
- A councillor who wishes to complain about an officer should speak only with the CEO or the relevant Director
- Staff approaching Councillors about organisational issues should be referred to their manager and reminded about Towong's grievance procedure

9 Decision-making process

Towong recognises that good decisions are more likely to be made if good decision-making processes are used.

The key features of Towong's decision-making process are:

9.1 Agenda setting

- We understand that the main way of having issues considered by Council is through the strategic planning processes
- If issues arise during the year which Councillors believe require Council consideration, Councillors can work with each other, the Mayor and the Administration to put them forward for Council's consideration
- Raising an issue on the Council agenda under "Urgent Business" or similar should only be done if it is sincerely believed that the urgency is such that it can't be addressed through normal processes. An intention to do this should always be discussed with the Mayor or CEO in advance.

9.2 Information gathering

- We believe that our decisions should be based on the best possible data and expect the Administration to provide Council with quality research
- We understand that the views of those affected by our decisions is an important source of information for elected members and that is why we consult
- We understand the difference between formal advice from the Administration and the individual views of officers and community members and take this into account in assessing the information we receive

9.3 Decision-making

- We understand that our decision-making needs to be transparent. Our community needs to understand how we come to the decisions we make. Therefore, while we may have discussed an important issue in a briefing session, we should fully debate these matters when they come before Council at the formal Council meeting

- We recognise that at times, different Councillors will interpret the same set of information in different ways. We respect our differences and will treat each other with courtesy at Council meetings
- Council decisions should be made in as participative a way as possible. Chairing and meeting procedures should recognise and encourage participation by all Councillors

9.4 Implementation

- Once Council has made a decision, it becomes the collective decision of Council. While it is recognised that some Councillors did not support the decisions, it is highly desirable that Councillors publicly support that decision.
- If a Councillor believes that his or her accountability to constituents requires him or her to express dissent this should be done carefully and with respect. Councillors must bear in mind that post-decision dissent weakens the Council in the eyes of the community
- Council decisions should be implemented promptly by the Administration

10 Code of Conduct

10.1 Preliminary

1. The Towong Shire Council consist of the councillors who are democratically elected by the electors of Towong Shire in accordance with the Local Government Act 1989 (the Act).
2. The role of the Council is to provide leadership for the good governance of Towong Shire. It includes:
 - a. acting as a representative government by taking into account the diverse needs of the local community in decision making;
 - b. providing leadership by establishing strategic objectives and monitoring their achievement;
 - c. maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;
 - d. advocating the interests of the local community to other communities and governments;
 - e. acting as a responsible partner in government by taking into account the needs of other communities;
 - f. fostering community cohesion and encouraging active participation in civic life.

10.2 Councillor Behaviours

3. The council affirms the following principles of behaviour.
 - A. Each councillor is aware of their responsibility to comply with the **rules of conduct** specified in Section 76B of the Act that require that councillors must:
 - a) Act honestly;
 - b) Exercise reasonable care and diligence;
 - c) Not make improper use of their position
 - to gain, or attempt to gain, directly or indirectly, an advantage for themselves or for any other person, or
 - to cause, or attempt to cause, damage to the Council;
 - d) Not make improper use of information acquired because of their position

- to gain, or attempt to gain, directly or indirectly, an advantage for themselves or for any other person, or
 - to cause, or attempt to cause, damage to the Council.
- B. Councillors will treat all people with **courtesy and respect**, recognising that there are legitimate differences in opinions, race, culture, religion, language, gender and abilities. This includes:
- a) Treating members of the community with dignity and ensuring that neither offence nor embarrassment are caused;
 - b) Treating fellow councillors with respect, even when disagreeing with their views or decisions;
 - c) Ensuring their punctual attendance at council and committee meetings; and
 - d) Acting with courtesy towards council staff and avoiding intimidatory behaviour.
- C. Councillors will always act with **integrity and honesty**;
- a) Being honest in all dealings with the community, with other councillors and with council staff;
 - b) Always acting with impartiality and in the best interests of the community as a whole;
 - c) Not acting in ways that may damage the Council or its ability to exercise good government;
 - d) Exercising reasonable care and diligence in performing their functions as councillors; and
 - e) Complying with all relevant laws, be they Federal, State or Local Laws.
- D. Councillors recognise that they hold a **position of trust** and will not misuse or derive undue benefit from their positions.
- a) Councillors will avoid conflicts of interest and comply with the relevant provisions of the Act and this Code of Conduct relating to interests and conflicts of interest;
 - b) Councillors will not exercise undue influence on other councillors, members of council staff or members of the public to gain or attempt to gain an advantage for themselves;
 - c) Councillors will not accept gifts either in their roles as councillor or where it could be perceived to influence the councillor except;

- Where the gift would generally be regarded as only having a token value and could not be perceived to influence the councillor's actions,
 - Where refusal of the gift may cause offence or embarrassment, in which case the gift may be accepted on behalf of the Council and becomes the property of the council.
- E. Councillors will exercise appropriate prudence in the use of **public resources**. This includes:
- a) Maintaining appropriate separation between their personal property and public property in the care of the Council;
 - b) Not using public resources, including staff and equipment for electoral or other personal purposes;
 - c) Ensuring that claims for out of pocket expenses are accurate and relate strictly to council business.
- F. Councillors will treat **council information** appropriately, by:
- a) Not using information gained by virtue of being a councillor for any purpose than to exercise their role as a councillor;
 - b) Respecting the Council's policies in relation to public comments and communications with the media;
 - c) Not releasing information deemed "confidential information" in accordance with section 77 of the Act; and
 - d) Recognising the requirements of the Information Privacy Act 2000 regarding the access, use and release of personal information.

10.3 Conflict of Interest Procedures

4. The council is committed to making all decisions impartially and in the best interests of the whole community. It therefore recognises the importance of fully observing the requirements of the Act in regard to the disclosure of Interests and Conflicts of Interest.
5. For the purpose of this Code, "Interests", "Conflicts of Interest" and "Pecuniary Interests" have the meanings specified in the Act.
6. Councillors will comply with all, the provisions of the Act in regard to Interests and Conflicts of Interest:
 - a. If the councillor considers that they have, or might reasonably be perceived to have, an **interest** in a matter before the Council or a special committee of council, they will clearly state the nature of their interest at the meeting and immediately before the matter is considered. This will be done on every occasion that the matter is considered by the Council or special committee.
 - b. If a councillor has an Interest in a matter to be considered by the Council or special committee that is a **pecuniary interest**, they will also declare that they have a Conflict of Interest.
 - c. If a councillor has an Interest in a matter to be considered by the Council or special committee that is not pecuniary, and the Councillor considers that their personal interest **may be in conflict** with their public duty to act impartially and in the interest of the whole community, the Councillor will declare a Conflict of Interest.
 - d. If a councillor has a **Conflict of Interest** in a matter they will comply with the requirements of the Act and ensure they do not move or second the motion and that they leave the room in which the meeting is being held during any vote on the matter and not vote on the matter.
7. In addition to the requirements of the Act:
 - a. Councillors will give **early consideration** to each matter to be considered by the Council, or special committee of which the councillor is a member, to ascertain if they have an Interest or a Conflict of Interest.
 - b. Councillors recognise that, while they may seek advice about a possible conflict of interest, the **legal onus** rests entirely with each councillor themselves. If a councillor cannot confidently say that he or she does not have a conflict of interest, the councillor will declare a

possible conflict of interest and comply with the relevant requirements as if they had a conflict of interest.

- c. If the councillor considers that they may be unable to vote on a matter because of a Conflict of Interest, they will **notify**, as soon as possible, the Mayor or the Committee Chair, depending on whether the matter is to be considered by the Council or a special committee, as well as the Chief Executive Officer (or the designated officer).
- d. If a councillor has declared a Conflict of Interest on a matter, they will **limit** their **participation** in any discussion on the matter to ensure they cannot be perceived as pursuing their own personal interests. This usually means that the councillor will restrict their comments to factual statements that may assist the decision making process or to feedback about the concerns of their constituents.

10.4 Dispute Resolution Procedures (Interpersonal conflict)

8. 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. Councillors may seek assistance in resolving their differences.
9. This dispute resolution procedure is intended to be used when councillors have been unable to resolve an interpersonal conflict and where the situation is unduly affecting the operation of the Council. It is not intended to resolve differences in policy or decision making, which are appropriately resolved through discussion and voting in council and committee meetings.
10. A "Dispute" will be considered to be declared if the Council resolves that its operation is being impeded because of a dispute between some or all of the councillors. The resolution will state the reasons why public resources should be allocated to resolve the dispute.
11. If the Chief Executive Officer receives advice in writing from one or more councillors that they are unable to effectively perform their role because of a dispute between councillors and that attempts to resolve the dispute have not been effective, the Chief Executive Officer will bring the matter to the Council's attention and the council may resolve that a Dispute be declared.

12. If a Dispute is declared, the Council will, as soon as is feasible:
 - a. Approve the appointment of an independent and suitably qualified mediator or conciliator who is acceptable to the councillors who are the parties in the dispute;
 - b. Decide to seek advice from the Municipal Association of Victoria, the Victorian Local Governance Association, or another appropriate external organisation to identify a suitably qualified mediator or conciliator; or
 - c. Decide that a mediator or conciliator will not be appointed.
13. The Council may only decide that a mediator or conciliator will not be appointed if one of the following applies:
 - a. The dispute is limited to matters of policy and decision making; or
 - b. An alternative approach, which is demonstrated to be more appropriate to the particular circumstance, is approved.
14. Irrespective of the above, the Council will not undertake a dispute resolution procedure if it appears that the procedure is likely to overlap with an election period for a council election.
15. If a mediator or conciliator is appointed, all councillors will cooperate with the dispute resolution process and provide reasonable assistance to the mediator or conciliator when requested.
16. At the conclusion of the dispute resolution process, the Council will consider a report in a meeting open to the public, that includes:
 - a. An independent report from the mediator or conciliator (except where the independent report must be considered in a closed meeting);
 - b. The recommendations of the mediator or conciliator;
 - c. The actions being taken as a consequence of the dispute resolution process; and
 - d. An estimate of the full cost to the Council of conducting the mediation process.

10.5 Dispute Resolution Procedures (Breach of Code)

17. Before commencing any formal dispute resolution process relating to a breach of the Councillor Code of Conduct, the councillors who are parties to any disagreement will endeavour to resolve their differences in a courteous and respectful manner.
18. If the dispute remains unresolved, an application to commence the internal resolution process must be made in writing and submitted to the Chief Executive Officer and/or Principal Conduct Officer. The application must:
 - a. specify the name of the Councillor alleged to have contravened the Code
 - b. specify the provision(s) of the Code that is alleged to have been contravened
 - c. include evidence in support of the allegation
 - d. name the Councillor appointed to be their representative where the application is made by a group of councillors, and
 - e. be signed and dated by the applicant or the applicant's representative.
19. On receiving an application to commence the internal resolution process, the Chief Executive Officer and/or Principal Conduct Officer will commence the process by appointing an independent, suitably qualified arbiter to:
 - a. consider applications alleging a contravention of the Councillor Code of Conduct by a Councillor
 - b. make findings in relation to any application alleging a contravention of the Councillor Code of Conduct which the arbiter must give to the Council
 - c. give a written statement of reasons supporting the findings to the Councillor at the same time as it gives its findings to the Council
 - d. recommend an appropriate sanction or sanctions where the arbiter has found that a Councillor has contravened the Councillor Code of Conduct.

20. Where an arbiter is appointed, all councillors agree to cooperate with the dispute resolution process and use their best endeavours to assist the arbiter when requested.
21. A Councillor who does not participate in the internal resolution procedure or with a written direction given by the Council at the conclusion of the internal resolution process may be guilty of misconduct. Allegations of misconduct are heard on application by a Councillor Conduct Panel.
22. At the conclusion of the internal resolution process, the Council will consider a report in a meeting open to the public, that includes:
 - a. An independent report from the arbiter (except where the independent report must be considered in a closed meeting)
 - b. The recommendations of the arbiter
 - c. The actions being taken as a consequence of the internal resolution process, and
 - d. An estimate of the full cost to the Council of conducting the internal resolution process.

10.6 Statement of Caretaker Procedures

23. The Council is committed to fair and democratic elections and therefore adopts and endorses the following practices and legislative requirements.
24. This Statement of Caretaker Procedures is in two parts, addressing two fundamental policy principles.
 - a. Council Decision Making; and
 - b. Use of Council Resources.

10.7 Council Decision Making

25. It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that inappropriately bind the incoming council. This includes a commitment to comply with the requirements of section 93A of the Local Government Act 1989 (the Act), relating to "Major Policy Decisions", as well as with the policies specified below in relation to "Significant Decisions".

10.8 Major Policy Decisions

26. Section 93A of the Act prohibits the making of “Major Policy Decisions” during the election period, which is from Entitlement day until 6:00 pm on the Election Day.
27. Major Policy decisions are defined by the Act to be decisions;
 - a. relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
 - b. to terminate the appointment of a Chief Executive Officer under section 94;
 - c. to enter into a contract the total value of which exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates in the preceding financial year;
 - d. to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates in the preceding financial year.
28. If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a particular Major Policy Decision, the Council will, by resolution, request an exemption from the Minister for Local Government, in accordance with section 93A(2).

10.9 Significant Decisions

29. In addition to the decisions specified in section 93A of the Act, the Council will avoid making other decisions during the election period that are of a significant nature and which would unnecessarily bind an incoming council.
30. “Significant Decisions” include:
 - a. Irrevocable decisions that commit the Council to substantial expenditure or significant actions; and
 - b. Irrevocable decisions that will have a significant impact on the municipality or the community.
31. The Council acknowledges that it has an ongoing responsibility to act in the best interests of the community. Therefore, where a delay in making a “significant decision” would result in significant detriment to the local

community, or the broader community, the Council may make an exception to this procedure. In making an exception to this procedure, the Council will deal with the matter impartially, having regard to the long term interests of the community and as transparently as possible.

10.10 Caretaker Statement

32. In order to facilitate compliance with its commitment to ensuring appropriate decision making during elections, the Council adopts the following procedure.
33. During the election period, the Chief Executive Officer will ensure that a "Caretaker Statement" is included in every report submitted to the Council or to a special committee of council for a decision.
34. The "Caretaker Statement" will specify one of the following:
 - a. "The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Code of Conduct".
 - b. "The recommended decision is not a "Major Policy Decision" within the context of Local Government Act 1989. The recommended decision is a "Significant Decision" within the meaning of the Code of Conduct, but an exception should be made for the following reasons [insert reasons for making an exemption]".
 - c. "The recommended decision is to seek an exemption from the Minister because the matter requires a "Major Policy Decision" within the meaning of section 93A of the Local Government Act 1989".
 - d. "The recommended decision is a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date]".
35. During the election period, the Council will not make a decision on any matter or report that does not include one of these Caretaker Statements.

10.11 Use of Council Resources

36. It is an established democratic principle that public resources must not be used in a way that would influence the way people vote in elections, except in regard to supporting the actual election process. The Council therefore commits to the principle that it will ensure that council

resources are not used inappropriately during a council election. This includes a commitment to comply with the following procedures in addition to the requirements of section 55D of the Act.

10.12 Electoral Matter

37. The Council will ensure that it complies with section 55D of the Act which requires that a council does not print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.

38. The following definitions from the Act are noted:

Section 3(1) **"electoral advertisement, handbill, pamphlet or notice"** means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting;

"publish" means publish by any means including by publication on the Internet;

Section 3(1A) **"electoral matter"** means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.

Section 3 (1B) Without limiting the generality of the definition of "electoral matter", matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—

- (a) the election; or
- (b) a candidate in the election; or
- (c) an issue submitted to, or otherwise before, the voters in connection with the election.

10.13 Other Resources

39. The Council will also ensure other councils resources are not used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and material resources.

40. Prior to the election period for any election the Chief Executive Officer will ensure that all members of council staff are advised in regard to the application of the caretaker procedures.
 - a. Council staff will not undertake an activity that may affect voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer; and
 - b. Council staff will not authorise, use or allocate a council resource for any purpose that may influence voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer.
41. Any staff member who considers that a particular use of council resources may influence voting in an election or provide an undue advantage for a candidate should advise their manager before authorising, using or allocating the resource. The manager will seek appropriate advice in order to ascertain whether the use of council resources is in accordance with this statement.
42. In applying these principles, the Council understands that the following will be normal practice during election periods.
 - a. Public events will only be organised and run by the council administration if they are part of the normal services or operation of the council.
 - b. Speeches for councillors will only be prepared by council staff in relation to events that are part of the normal services or operation of the council and such speeches will not be circulated or available for publication.
 - c. Media services, including media releases, will not be provided for councillors by the administration during the election period.
 - d. Councillor Newsletters will not be resourced by the Council in any way during the election period.
 - e. Neither the Council logo nor council stationery will be used by councillors in any way that relates to the election.
43. In addition, equipment and facilities provided to councillors for the purpose of conducting normal council business will not be used for campaigning purposes.
 - a. Where councillors have council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for councillors to discontinue their use of these during the election, councillors will reimburse the Council for usage of

those services during the election period that exceeds normal usage levels. (Councils may wish to consider the specific ways to administer this procedure).

10.14 Endorsement

44. This Code of Conduct was adopted by the Council on 5 July 2016 and is signed by the following councillors.

Cr David Wortmann (Mayor)

Cr Mary Fraser OAM

Cr Peter Joyce

Cr Deborah Gadd

Cr Aaron Scales

