

# Minutes

## Special Meeting of Council

Walwa Bush Nursing Centre

Tuesday 5 July 2016

---

This information is available in alternative formats on request

**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD AT THE WALWA BUSH  
NURSING CENTRE, WALWA ON TUESDAY 5 JULY 2016 COMMENCING AT 12.00 PM.**

**TABLE OF CONTENTS**

1	Opening Prayer.....	3
2	Councillor and Officer presence at the meeting.....	3
3	Apologies and granting of leave of absence .....	3
4	Declaration of pecuniary interest and/or conflict .....	3
5	Organisational improvement.....	4
5.1	Councillor Code of Conduct (07/05/0007-DCCS).....	4

The Mayor declared the meeting open at 12.05 pm.

## **1 Opening Prayer**

"Almighty God, we ask that you be present at this meeting to assist us in our service to the Community through Local Government.

We pray that our decisions will be wise and taken with goodwill and clear conscience.

Amen."

## **2 Councillor and Officer presence at the meeting**

**Present:** Crs Wortmann, Scales, Fraser and Gadd

<b>In Attendance:</b>	<b>Title:</b>
J Phelps	Chief Executive Officer
J Heritage	Director Technical Services
J Shannon	Director Community and Corporate Services

## **3 Apologies and granting of leave of absence**

Cr P Joyce

## **4 Declaration of pecuniary interest and/or conflict**

For the purpose of this section, Councillors must disclose the nature of the conflict of interest in accordance with s79(2) of the Local Government Act.

Nil.

## **5 Organisational improvement**

### **5.1 Councillor Code of Conduct (07/05/0007-DCCS)**

#### **Disclosure of Interests (S.80C):**

This report was prepared by Ms Jo Shannon, Director Community and Corporate Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

#### **Background/History:**

The current Councillor Code of Conduct was reviewed and adopted by Council on 1 October 2013.

The Local Government Amendment (Improved Governance) Act 2015 made amendments to the Local Government Act 1989. The changes are intended to improve the accountability of Councillors, by encouraging improved standards of behaviour. The changes that require implementation in the short term are:

- a) Council to conduct a review of the Councillor Code of Conduct against the new legislation
- b) Councillors are now required to sign the Councillor Code of Conduct to qualify for being a Councillor
- c) Councils will have access to apply sanctions on Councillors for breaches of the Councillor Code of Conduct, and
- d) The CEO must appoint a Principal Conduct Officer to assist Council in the implementation of the Councillor Code of Conduct.

In accordance with the new Section 76C(1) of the Local Government Act 1989 'A Council must review, and make any necessary amendments to, its Councillor Code of Conduct within 4 months after the commencement of section 15 of the Local Government Amendment (Improved Governance) Act 2015'. The Local Government Act also requires a special Council meeting be conducted solely for this purpose (s76C(2)).

Section 15 of the Local Government Amendment (Improved Governance) Act 2015 came into effect on 1 March 2016. As a result section 76C(1) of the Local Government Act 1989 required a review of the Councillor Code of Conduct prior to 1 July 2016. As

this review was not completed by 1 July 2016 it was deemed appropriate to consider this an urgent matter for Council review and consideration at a Special Council Meeting on 5 July 2016.

A review of the current Councillor Code of Conduct has been undertaken. The new legislation requires Council to have in place an internal resolution process to address conduct that is in breach of the Councillor Code of Conduct. It also provides Council with a sanction framework (S81) to assist councils to assume responsibility for resolving behavioural and conduct issues occurring within Council. Sanctions must be voted on by Council as a whole and may include:

- Requiring an apology
- Suspension from up to two Council meetings
- Direction that they not attend or chair an advisory or special committee for up to two months
- Directions that they be removed from a position where they represent Council for up to two months.

An updated Councillor Code of Conduct, incorporating an internal resolution process, is attached at [Appendix 1](#) for Council consideration.

**Impact on Council Policy:**

Nil.

**State Government Policy Impacts:**

Nil.

**Budget Impact:**

Nil.

**Risk Assessment:**

The Councillor Code of Conduct has been updated to reflect new legislative requirements.

**Community Consultation/Responses:**

Section 89 of the Local Government Act provides for seven days' public notice to be given in advance of a Special Council Meeting. If there are urgent circumstances then Council must give such public notice as is practicable, even if this is less than seven days.

This is deemed an urgent matter as the date required to complete the review has passed. Public notice was provided of the Special Council Meeting on 2 July 2016. This was as much public notice as practicable, given the circumstances.

**Discussion/Officers View:**

This new Councillor Code of Conduct meets the requirements of the Local Government Act 1989 and is therefore recommended for Council adoption.

**CR FRASER  
CR SCALES**

**THAT COUNCIL ADOPT THE CODE OF CONDUCT AS PRESENTED IN  
ACCORDANCE WITH SECTION 76C(1) OF THE LOCAL GOVERNMENT ACT 1989.  
CARRIED**

There being no further business the meeting was closed at 12.27pm.

Minutes confirmed this ..... day of ..... 2016.

---

**Mayor**