

Agenda

Special Meeting of Council

Tallangatta Council Office

Tuesday 7 February 2017

This information is available in alternative formats on request

AGENDA FOR THE SPECIAL MEETING OF COUNCIL TO BE HELD AT THE TOWONG SHIRE COUNCIL, TALLANGATTA OFFICE ON TUESDAY 7 FEBRUARY 2017 COMMENCING AT 12 NOON.

TABLE OF CONTENTS

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

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

3 Apologies and granting of leave of absence

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.

5 Organisational improvement

5.1 Councillor Code of Conduct (07/05/0007-CEO)

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 5 July 2016.

Section 76C(2) of the Local Government Act 1989 requires Council to:

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

The Councillor Code of Conduct (section 76C(3)):

- a) must include the internal resolution procedure for dealing with an alleged contravention of the Councillor Code of Conduct by a Councillor

- b) may set out processes for the purpose of resolving an internal dispute between Councillors
- c) must include any provisions prescribed for the purpose of this section;
- d) must include provisions addressing any matters prescribed for the purpose of this section
- e) may include any other matters relating to the conduct of Councillors which the Council considers appropriate.

An internal review of the Councillor Code of Conduct has been undertaken and the following amendments proposed for Council consideration:

- Removing reference to the former Business Excellence Framework that relates to a quality improvement program that was implemented to improve the operations of Council and has now been incorporated into business as usual practices (6)
- Amending the requirement for the CEO and the Mayor to have weekly meetings to regular communications (8.3)
- Replacing the rules of conduct specified in Section 76B of the Local Government Act to the current wording (10)
- Updating the Conflicts of Interest procedures to the current requirements of the Local Government Act (11)
- Merging detail on the role of Council that was detailed in two sections (now in 7.2)
- Minor amendments to the grammar and renumbering of sections to improve readability.

An updated Councillor Code of Conduct, incorporating these amendments is attached at [Appendix 1](#) for Council consideration.

Section 76C(6A) of the Local Government Act 1989 requires Councillors to make a declaration stating that they will abide by the Councillor Code of Conduct, within one month of it being amended. The declaration must be in writing and witnessed by the Chief Executive Officer.

A copy of the declaration is included at [Appendix 2](#).

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

Nil.

Risk Assessment:

The review and adoption of the Councillor Code of Conduct is required to be completed by 21 February 2017. This report and recommendation support compliance with this requirement of the Local Government Act 1989.

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. The appropriate notice was published in the Border Mail on 28 January 2017.

Discussion/Officers View:

The proposed Councillor Code of Conduct contains detail regarding expectations of Councillors, Council, the Mayor, CEO and the Administration. Part 4, Division 1A of the Local Government Act 1989 also provides extensive detail regarding Councillor conduct and interests.

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

An opportunity will be provided at the meeting for Councillors to make the declaration stating that they will abide by the Councillor Code of Conduct.

RECOMMENDATION:

THAT COUNCIL REVIEW AND ADOPT THE CODE OF CONDUCT AS PRESENTED IN ACCORDANCE WITH SECTION 76C(2) OF THE LOCAL GOVERNMENT ACT 1989.