



**WEST
WIMMERA
SHIRE COUNCIL**



**West Wimmera Shire Council
Councillor Code of Conduct**

Adopted 20 June 2019

The best of country living

TABLE OF CONTENTS

1. Introduction.....	4
2. Purpose of the Code of Conduct	4
a. Definitions	5
3. Background	6
a. Role of Mayor and Councillors	6
4. Conduct Obligations	8
a. Functions of the CEO	9
b. Councillor / Staff Contact Protocols	10
c. Expectations and Obligations of Councillors & Staff.....	11
d. Gifts and Benefits	12
e. Communication	12
5. Councillor Conduct Principles	14
a. Agreed Behavioural Values	14
i. Integrity.....	14
ii. Respect	14
iii. Selflessness	14
iv. Openness	15
v. Community Focus	15
vi. Objectivity	15
vii. Leadership	16
viii. Teamwork	16
b. Statutory Conduct Requirements	16
i. Misuse of Position	17
ii. Improper Direction	17
iii. Breach of Confidentiality	18
iv. Disclosure of Conflict of Interest	18
6. Communication Principles	21
a. Community Engagement	21
b. Communication Protocols	22
c. Candidature of Councillors for State or Federal Elections	22
7. Information and Resources	23
a. Use of Council Provided Resources	23
b. Access to Information	23
c. Appraisal of Governance Performance	24
8. Dispute Resolution Procedures	24
a. Internal Dispute Resolution Procedure	24
b. Hierarchy of Conduct Standards (who handles various complaints)	25

c. Disputes Between Councillors	26
d. Councillor Misconduct	31

1. INTRODUCTION

The Local Government Act 1989 (the Act) requires all Councils to develop and maintain a Councillor Code of Conduct. The Code of Conduct is required to be reviewed periodically. The West Wimmera Councillor Code of Conduct was last reviewed in February 2017, following the 2016 Council Elections.

This reviewed version of the Councillor Code of Conduct has been developed following a recommendation included as part of a Governance Examination undertaken by the Local Government Inspectorate in October 2018.

The Councillor Code of Conduct includes an internal resolution procedure for dealing with any alleged contraventions of the Code. It enables Council to apply sanctions to a Councillor, who has been found to have contravened this Code of Conduct.

Failure by a Councillor to comply with the Council's internal resolution procedure or to comply with a written direction given by the Council under section 81AB of the Act (sanctions for contraventions of the Code) constitutes misconduct by a Councillor.

If a Councillor Conduct Panel makes a finding of misconduct against a Councillor, the Panel may apply further sanctions against that Councillor.

A set of Councillor Conduct Principles have been developed and included in this Code to guide Councillor behaviour standards that comply with this Code.

Section 8(c) of this Code contains a table explaining the hierarchy for the management of Councillor Conduct Issues and who is responsible for managing the process at the various levels.

2. PURPOSE OF THE CODE OF CONDUCT

The Local Government Act 1989 (the Act) sets out standards of conduct for Councillors under section 76C. It also requires Councils to adopt a Code of Conduct that complies with these principles.

As the purpose of Local Government is to provide a system under which Councils perform the functions and exercise the powers conferred by or under the Local Government Act 1989 and any other Act for the peace, order and good government of their municipal districts. Good governance is fundamental to a Council being able to perform its purpose. Good governance relies heavily on good working relations between Councillors.

The performance of Council has a direct effect on the wellbeing of the residents of West Wimmera Shire. The community can expect certain standards of conduct are adhered to by Councillors and this code provides the following;

2(a) Definitions

The definitions provided below are to assist in guiding Councillors through the key terms that are included in this Code and are defined in the Act.

Arbiter is an independent party appointed by Council to consider alleged violations of the Code of Conduct, by a Councillor and someone who is able to make a determination on such violations.

Bullying by a Councillor means the Councillor repeatedly behaves unreasonably towards another person and that behaviour creates a risk to the health and safety of that person.

Chief Municipal Inspector (CMI) is the head of the Local Government Inspectorate

Principal Conduct Officer is the person appointed by the CEO to be the Principal Conduct Officer under section 81Y of the Act. The Principal Conduct Officer at West Wimmera Shire Council is the Director Corporate and Community Services.

Principal Conduct Registrar is a State appointed officer with specific responsibilities of managing the Councillor Conduct process.

Councillor Conduct Panel means a panel of two people selected by the Principal Conduct Registrar to hear applications of misconduct and serious misconduct in accordance with Section 81V of the Act.

Local Community includes people who live in the Municipal District and people and bodies who are ratepayers and people and bodies who conduct activities or have an interest in the Municipal District.

Misconduct by a Councillor means;

- a. Failure by a Councillor to comply with Council's internal resolution procedure, or
- b. Failure by a Councillor to comply with a written direction given by the Council under section 81AB, or
- c. Repeated contraventions of the Councillor Conduct Principles.

Gross Misconduct by a Councillor means behaviour that demonstrates that a Councillor is not of good character or is otherwise not a fit and proper person to hold the office of Councillor.

Serious Misconduct by a Councillor means;

- a. The failure of a Councillor to attend a Councillor Conduct Panel Hearing formed to make a finding in respect of that Councillor, or
- b. The failure of a Councillor to give a Councillor Conduct Panel any information the Councillor Conduct Panel has requested the Councillor to give, or
- c. The failure of a Councillor to comply with a direction of a Councillor Conduct Panel, or
- d. Continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by a Councillor Conduct Panel, or

- e. Bullying of another Councillor or a member of Council staff by a Councillor, or
- f. Conduct by a Councillor in respect of a member of Council Staff in contravention of section 76E, or
- g. The release of confidential information by a Councillor in contravention of section 77 of the Act.

3. BACKGROUND

A Council must, within 4 months after a general election:

- (a) call a Special Meeting solely for the purpose of reviewing the Councillor Code of Conduct; and
- (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.

A copy of this Code of Conduct (as amended from time to time) must be:

- given to each Councillor
- available for inspection at the Council Office and any district offices
- published on the Council's internet website

From the 2016 Council elections, a person elected to be a Councillor is not capable of acting as a Councillor until the person has read the Councillor Code of Conduct and made a declaration stating that they will abide by the Councillor Code of Conduct. It is the personal responsibility of Councillors to ensure that they are conversant with, and comply with, the provisions of this Code.

3(a) Role of Mayor & Councillors

The role of Councillors and Mayors is clearly spelt out in the Local Government Act 1989 (the Act). The Act also describes the primary objective of Council in section 3C(1), to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

The role of Council as set out in section 3D(2) of the Act is as follows;

- 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 Council by ensuring that resources are managed in a responsible and accountable manner;
- d) advocating for the interests of the local community to other communities and government;
- e) acting as a responsible partner in government by taking into account the needs of other communities; and
- f) fostering community cohesion and encouraging active participation in civic life.

Role of a Councillor

West Wimmera Shire Council has five democratically elected Councillors who collectively constitute the Council.

The role of a Councillor as set out in section 65(1) of the Act is as follows;

- (a) to participate in the decision making of the Council; and
- (b) to represent the local community in that decision making; and
- (c) to contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

In performing the role of a Councillor in accordance with section 65(2) of the Act, a Councillor must;

- (a) consider the diversity of interests and needs of the local community; and
- (b) observe principles of good governance and act with integrity; and
- (c) provide civic leadership in relation to the exercise of the various functions and responsibilities of the Council under this Act and other Acts; and
- (d) participate in the responsible allocation of the resources of Council through the annual budget; and
- (e) facilitate effective communication between the Council and the community.

The role of a Councillor is to act for the entire community and advocate on their behalf. A Councillor plays a key role in facilitating communication with the community and encouraging engagement with the activities of Council. Councillors collectively constitute the Council. As an individual, a Councillor cannot direct or bind the organisation to any actions or decisions.

Role of the Mayor

The role of the Mayor is set out in section 73AA of the Local Government Act 1989 (the Act). The functions described in the Act include;

- (a) providing guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 65, and the observation of the Councillor conduct principles and the Councillor Code of Conduct by Councillors under sections 76B, 76BA and 76C; and
- (b) acting as the principal spokesperson for the Council; and
- (c) supporting good working relations between Councillors; and
- (d) carrying out the civic and ceremonial duties of the office of Mayor.

While having no additional statutory power other than as specified in the Act, the following duties are carried out by the Mayor by convention;

- Being a leader and a positive advocate for the community,
- Encouraging participation of Councillors in the decision-making process,
- Maintaining a close working relationship with the Chief Executive Officer,
- Leading and providing guidance to Councillors in relation to their role,
- Sustaining partnerships and advocating for Council's interests and pursuing opportunities for the Shire in line with relevant adopted policies, strategies and plans,
- Acting as a representative of the Shire where required.

4. CONDUCT OBLIGATIONS

The Act places obligations on Councillors in relation to the way they should act. The Act also prohibits certain conduct by Councillors and prescribes penalties for Councillors who contravene these provisions. As Councillors of West Wimmera Shire Council, we undertake to comply with the various provisions of the Act and with this Code of Conduct.

Section 76B of the Act sets out the primary principle of Councillor Conduct as follows:

"It is the primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must:

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person."

4(a) Functions of the Chief Executive Officer

Under section 94A of the Act, the Chief Executive Officer is responsible for the operation of the organisation, all staffing related matters, the implementation of Council policy and decisions, operational policy and procedures, service delivery and providing professional advice to Council. The Chief Executive Officer also maintains a close working relationship with the Mayor.

This code endeavours to support the aforementioned legislated powers of the Chief Executive Officer to manage all staffing matters and West Wimmera Shire Councillors will;

- Respect the role of Council staff and treat them in a way that builds mutual respect (as also required by the Staff Code of Conduct);
- Observe the Councillor – Staff contact protocols (included in this Code);
- Respect and support the role of the Chief Executive Officer to provide Council with timely and reliable advice about its legal obligations under the Act or any other relevant Act;
- Understand that there is no capacity to individually direct members of staff to carry out particular functions, or exercise powers or discretions in any particular way; and
- Refrain from using the position of Councillor to improperly influence members of staff in their duties or functions (including the preparation of Council reports or recommendations to Council) or seek to gain advantage for themselves or others.

The functions as included in the Local Government Act 1989 (the Act) are as follows;

The Chief Executive Officer is responsible for:

- (a) establishing and maintaining an appropriate organisational structure for the Council; and
- (b) ensuring that the decisions of the Council are implemented without undue delay; and
- (c) the day to day management of the Council's operations in accordance with the Council Plan; and
- (d) developing, adopting and disseminating a Code of Conduct for Council staff; and
- (e) providing timely advice to the Council; and
- (f) ensuring that the Council receives timely and reliable advice about its legal obligations under this Act and any other Act;
- (g) supporting the Mayor in the performance of the Mayor's role as Mayor;
- (h) carrying out the Council's responsibilities as a deemed employer with respect to Councillors, as deemed workers, which arise under or with respect to the Accident Compensation Act 1985 or the Workplace Injury Rehabilitation and Compensation Act 2013; and
- (i) performing any other function or duty of the Chief Executive Officer specified in this Act or any other Act.

The Chief Executive Officer is responsible for managing interactions between Council staff and Councillors including by ensuring that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction between Council staff and Councillors.

We, the Councillors of West Wimmera Shire, undertake to respect the functions of the Chief Executive Officer 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 Chief Executive Officer.

4(b) Councillor / Staff Contact Protocols

West Wimmera Shire Council developed the following set of protocols in October 2016 to assist in managing the working relationship between Councillors and Staff. Councillors agree to abide by these protocols and will report any inappropriate staff contact to the Chief Executive Officer. The following are the agreed protocols;

Background:

The following protocols are provided as guidelines to ensure that contact with West Wimmera Shire Council staff is undertaken in a consistent and orderly fashion.

As Councillors would be aware, providing direction to staff is prohibited under the Local Government Act for staff other than the CEO. It is the responsibility of the CEO to manage the staff resources of the organisation and inappropriate direction is in breach of the Act.

The following protocols are not designed to prevent contact between staff and Councillors but are designed to provide staff with the confidence that their conversations will not be used to form an argument in a debate.

It will also assist in Councillors avoiding the accusation that they are inappropriately involving themselves in operational activities.

Reasons for Councillor / Staff Contact:

There are many reasons that direct contact with staff will assist Councillors in undertaking their civic duties, these may include but not limited to the following;

- Questions around planning permit reports prior to making a decision
- Finding information to answer question of a constituent
- Financial information
- Status reports on various programs
- Assistance with travel arrangements
- Discussions on meeting minutes etc.

Process for Receiving Information:

The process for Councillors to follow when seeking information that a staff member may be able to assist with is as follows;

A request to the CEO or relevant Director to provide the information or a request to the CEO or relevant Director to meet with the staff member. These requests can be as simple as a phone call or email.

Staff should not be approached directly at their work station as a request from a Councillor may trigger a re-prioritisation of their activities. If a re-prioritisation occurs in an area that is required to meet statutory timelines (such as planning or finance), it could potentially put the organisation at risk of non-compliance with regulations or legislation.

The only exception is Councillor contact with the Governance Officer (GO). Councillors may have direct contact with the GO on a daily basis or as required, as the GO provides direct administrative and organisational support to Councillors including coordinating meeting and event RSVP's, meeting and event attendance, provision of agendas and minutes, travel and accommodation arrangements.

4(c) Expectations and Obligations of Councillors and Staff

In accordance with the Councillor / Staff Contact Protocols, listed in section 4(b), an agreed set of expectations are provided in the table below;

<p style="text-align: center;">Councillors expect that officers will:</p> <ul style="list-style-type: none"> • <i>Act professionally and honestly with a good sense of humour</i> • <i>Provide recommendations that are accurate, timely and outline alternatives and their implications</i> • <i>Act devoid of bias</i> • <i>Make recommendations that are consistent with the Council Plan</i> • <i>Be accessible within reason and respond in a timely manner</i> 	<p style="text-align: center;">Officers expect that Councillors will:</p> <ul style="list-style-type: none"> • <i>Convey principles and Council values</i> • <i>Say when they don't understand something and ask for clarification</i> • <i>Not interfere in operational matters – advice and questions will be directed to the CEO and Directors</i> • <i>Have a vision for the Council and represent the community's interest</i> • <i>Share information early</i> • <i>Respect and trust professional opinion</i>
<p style="text-align: center;">Councillors agree to give to officers:</p> <ul style="list-style-type: none"> • <i>Professional and honest behaviour</i> • <i>Diversity – A broad range of skills, perceptions and opinions</i> • <i>Trust, good judgement and vision</i> • <i>Community linkages</i> • <i>Healthy productive debate</i> 	<p style="text-align: center;">Officers agree to give to Councillors:</p> <ul style="list-style-type: none"> • <i>Frank and fearless advice</i> • <i>The whole story</i> • <i>Acknowledge mistakes</i> • <i>Full support</i> • <i>The same advice will be provided to all Councillors</i> • <i>Benefit of experience and expertise</i>

4(d) Gifts and Benefits or Hospitality

We will scrupulously avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from an individual Councillor or from the Council.

We will take all reasonable steps to ensure that our immediate family members (parents, spouse, children and siblings) do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.

Where a gift is received on behalf of the Council, the gift becomes the property of the Council. For transparency and accountability purposes, these gifts will be recorded in the Councillor Gifts Register with a notation that it is the property of Council.

Councillors and Senior Staff will be required to attend events periodically where there is a clear value to the work of the Council (community engagement sessions, meeting with State and Federal members and state and regional Local Government functions). Invariably these functions will be paid for by West Wimmera Shire Council and therefore not categorised as individual hospitality.

It is considered acceptable for Councillors to accept hospitality up to the value of \$50, on the condition that it can in no way advantage the provider of the hospitality. **The value of \$50 is not an accumulative amount and is to interpreted as \$50 per event.** When hospitality is paid for by Council for an individual Councillor, the expense will be recorded as a Councillor expense. Councillors may also wish to pay for the hospitality themselves, which would therefore not be recorded as a Councillor expense.

We recognise that gifts equal to or above the gift disclosure threshold (\$50), received in the twelve months prior to election from a person or body that has a direct interest in a matter may give rise to an indirect interest because of receipt of an applicable gift.

We will record all campaign donations in our "Campaign Donation Return".

4(e) Communication

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

Councillors play a key role in communicating the decisions of Council as well as promoting services and projects that will be of interest to the broader community. Communication with the public can be undertaken in a variety of formats. These range from informal meetings with groups or individual residents, to sharing information via the Council web-site or social media platforms. Formal comments to the media are also included. When communicating Councils position on a specific topic or issue, Councillors will;

- Take all possible steps (such as seeking briefing information and updates from officers) to ensure that the most accurate and up to date information (not bound by confidentiality) is being presented;
- Recognise that in their Council role as community leaders, Councillors have a responsibility to communicate Council related issues with a view to minimising misinformation or content that could mislead or create confusion within the community;
- Communicate respectfully and clearly;
- Recognise the role of the Mayor as the principle spokesperson of the organisation;
- Where delegated by the Mayor to comment formally, consult with Council's communications department or the CEO, where practicable;
- Ensure that when expressing an opinion that may contradict the formal position of Council, that Councillors make it clear that the comment does not represent the position of Council.
- When expressing personal points of view, Councillors will ensure that their comments do not cause reputational damage or would likely cause embarrassment to Council, the organisation, staff members or another Councillor; and
- Recognise the reach of social media platforms and ensure that Councillors manage their individual profiles to avoid confusion between their public / private lives (e.g. Councillor's should not be commenting on Council issues via their personal profiles).

If Councillors choose not to adhere to the above mentioned protocols, they will be classified as being in breach of this Code of Conduct. The process for handling an alleged breach is included within section 8 – Dispute Resolution Procedures.

Accepting or Declining Invitations to Meetings and Events

In addition to the above points regarding communication, Councillors agree to the following principles regarding the provision of a timely RSVP for meetings and events.

Councillors will respond to invitations and meeting requests in a timely manner and inform the Governance and Executive Support Officer of any invitations or requests that are received directly by the Councillor, to enable the Councillor Diary to be kept as accurate as possible.

This will ensure that invitations are managed in a professional manner, travel arrangements can be made (car bookings, car-pooling arrangements, flights or public transport), accommodation bookings completed and for catering purposes.

To enable the smooth management of Councillor invites and bookings, Councillors commit to the following;

- Check email invites received from West Wimmera Shire Council officers daily;
- Assess invitations listed within the Councillor Diary as it is circulated (twice weekly);
- Advise the Governance and Executive Support Officer of their availability in a timely manner, either via email to eso@westwimmera.vic.gov.au or by phone to 5585 9900;

- Advise the Governance and Executive Support Officer of their intention to attend meetings for which they are the nominated Council representative;
- Liaise with the Governance and Executive Support Officer regarding travel arrangements, registrations for training or conferences, accommodation needs and dietary requirements for catering purposes.

5. COUNCILLOR CONDUCT PRINCIPLES

Councillor Conduct Principles are separated into two categories, firstly a set of (a) “Agreed Behavioural Values” and (b) a set of “Statutory Conduct Requirements” (which explain what constitutes unacceptable conduct).

5(a) Agreed Behavioural Principles

The following list of behavioural traits provides guidance in relation to ethical decision-making and expected Councillor standards.

i. Integrity

We must not place ourselves under any financial or other obligation to any individual or organization that might reasonably be thought to influence us in the performance of our duties

Integrity is the consistent commitment to apply ethical behaviour, encompassing honesty, openness and respect.

ii. Respect

We will treat others with courtesy and respect at all times. This will be achieved by:

- not using derogatory terms towards others,
- observing the rights of other people,
- treating people with courtesy and recognizing the different roles others play in local government decision-making.
- Treating fellow Councillors with respect, even when disagreeing with their views or decisions

Respect is being conscious and aware of others’ values, beliefs and opinions, appreciating that they could be different from our own and treating them accordingly.

iii. Selflessness

We have a duty to make decisions in the public interest. We must not act in order to gain financial or other benefits for ourselves, our family, friends or business interests. This means making decisions because they benefit the public, not because they benefit the decision maker.

iv. Openness

We have a duty to be as open as possible about our decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands.

Section 76BA of the Act sets out the general principles of councillor conduct as follows:

"In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must:

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- (b) act honestly and avoid statements (whether orally or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that it is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative;
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor."

Councillors are required to conduct themselves in observance of the primary principle and the general principles. We undertake to do this.

v. Community Focus

Councillors are committed to work in the best interests of the residents of the entire West Wimmera Shire.

In decision making, Councillors will consider the diversity of the community, the strategic direction of the Council, responsible resource allocation and provide consistent governance across the municipality.

vi. Objectivity

All decisions and actions made by Council are accountable to the public. Councillors will therefore make decisions solely on merit and in accordance with their statutory obligations. Councillors will pay particular attention to section 3D(a) of the Act that requires Councillors to take into consideration the diverse needs of the local community, when making decisions.

vii. Leadership

Leadership is the creation of an environment that empowers individuals, the organisation and the community to achieve the vision of Council.

Councillors will promote and support the conduct principles through leading by example. Councillors will conduct themselves in a manner that best represents the values of West Wimmera Shire Council and instils community confidence in the office of Councillor.

viii. Teamwork

Teamwork is best described as the ability of a group of individuals to work collaboratively to achieve outcomes that are agreed by the team.

Councillors will work together constructively to enable properly constituted Council meeting processes to be adhered to, which ultimately lead to thorough and optimal decision making.

Conduct that negatively impacts on the group's ability to receive information or prevent opinions being shared, is not in keeping with the values contained within this Code of Conduct.

5(b) Statutory Conduct Requirements

The Local Government Act 1989 has specific provisions that prohibit Councillors from certain conduct. This conduct relates to:

- Misuse of position
- Improper direction and improper influence
- Confidential information
- Conflict of interest

These matters are set out below in order to provide a complete picture of the obligations on Councillors. While these matters are not of a nature to be addressed as a contravention of the Councillor Code of Conduct, Councillors will undertake to comply with the prohibitions on Councillor conduct set out below. These matters should more properly be the subject of an application to a Councillor Conduct Panel for a finding of serious misconduct or a complaint to the Local Government Inspectorate or the Independent Broad-based Anti-corruption Commission depending on the nature of the allegation.

(Note: Serious misconduct by a Councillor(s) means:

- (a) the failure of a Councillor to attend a Councillor Conduct Panel hearing formed to make a finding in respect of that Councillor; or*
- (b) the failure of a Councillor to give a Councillor Conduct Panel any information the Councillor Conduct Panel has requested the Councillor to give; or*

- (c) *the failure of a Councillor to comply with a direction of a Councillor Conduct Panel; or*
- (d) *continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by a Councillor Conduct Panel; or*
- (e) *bullying of another Councillor or member of Council staff by a Councillor; or*
- (f) *conduct by a Councillor in respect of a member of Council staff in contravention of section 76E; or*
- (g) *the release of confidential information by a Councillor.)*

The following provides detail on the various topics of Statutory Conduct Requirements (prohibited conduct).

i. Misuse of Position

Section 76 of the Act states that Councillors will not use their position, or knowledge gained in their role, to disadvantage Council or someone else, or advantage themselves or someone else. Therefore a Councillor must not misuse his or her position to;

- Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person;
- Cause or attempt to cause detriment to the Council or another person;
- Direct or improperly influence a Council officer;
- Exercise, perform or purport to, a power, duty or function that they are not authorised to perform;
- Use public funds or resources in a manner that is improper or unauthorised;
- Fail to disclose a conflict of interest;
- Make improper use of information acquired as a Councillor; or
- Disclose information that is confidential as designated by the CEO.

ii. Improper Direction

Under section 76E of the Act, a Councillor must not direct, or seek to direct Council officers;

- In the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
- In the exercise of a power or the performance of a duty or function exercise or performed by the member as an authorised officer under this Act or any other Act; or
- In the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
- In relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.

iii. Breach of Confidentiality

A Councillor must not disclose information that he or she knows, or should reasonably know, is confidential information.

Councillors must observe the confidentiality of the information that is provided to them in the course of performing their duties and must not convey (electronically, verbally, or in writing) information they know, or should reasonably know is confidential.

Under section 77 of the Act, information is considered confidential when;

- It was provided to Council in relation to a matter considered in a meeting closed to the public in accordance with s82(2) of the Act and Council has not resolved to classify the information as not confidential;
- Has been designated as confidential information by a resolution of Council, which specifies the relevant grounds under s89(2) of the Act and Council has resolved that the information is not confidential;
- Has been designated in writing as confidential information by the Chief Executive Officer, specifying the grounds applying under s89(2) of the Act and Council has not resolved that the information is not confidential.

A Councillor may disclose information that he or she knows is confidential information in the following circumstances:

- for the purposes of any legal proceedings arising out of this Act;
- to a court or tribunal in the course of legal proceedings;
- pursuant to an order of a court or tribunal;
- to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
- to a Councillor Conduct Panel in the course of a hearing and for the purposes of the hearing;
- to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
- to the extent reasonably required for any other law enforcement purposes.

iv Disclosure of Conflict of Interest.

If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or special committee, an Assembly of Councillors, an Audit Committee or a Section 223 committee, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest in accordance with the provisions of the Act (unless any of the exemptions apply).

A Councillor has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the Councillor would be directly altered if the matter is decided in a particular way. This includes where there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms and where the Councillor, or together with a member or

members of the person's family have a controlling interest in a company or other body that has a direct interest in the matter.

It is important for Councillors to be aware of possible perceptions of conflicts of interest. For the purposes of this code, *conflict of interest*, has the meaning specified in the Act. The decision as to whether to declare a conflict of interest, or whether a conflict exists, rests entirely with the individual Councillor. It is therefore the responsibility of Councillors to ensure they familiarise themselves with the various issues within meeting agendas and determine whether a conflict exists.

Council as an organisation can provide basic advice on conflicts of interest, however, Councillors must make their own determination as to whether to exclude themselves from debate and decision due to conflict of interest.

Councillors are required to comply with all provisions contained within sections 77A-79B and 80A of the Act with respect to conflicts of interest, in particular;

- If a Councillor has a conflict of interest in a matter which is to be, or is likely to be, considered or discussed at a meeting of the Council or an Assembly of Councillors, the Councillor must **if he or she is intends to be present at the meeting**, disclose the conflict of interest in accordance with section 79(2) of the Act, by either;
 - Advising Council at the meeting of the details required under section 79(2)(b) and (c) of the Act before a matter is considered at the meeting; or
 - Advising the Chief Executive Officer in writing of the details required under section 79(2)(d) of the act in advance of the meeting.

*** *Statement of disclosure of conflict of interest form is attached to this Code of Conduct.***

- A Councillor who has a conflict of interest in a matter which is to be, or is likely to be, considered or discussed at a meeting of the Council or an Assembly of Councillors and **intends on not being present for the consideration of the matter must**;
 - Classify the type of interest that has given rise to the conflict as either
 - i. Direct interest; or
 - ii. An indirect interest, specifying the particular type of indirect interest under section 78, 78A, 78B, 78C, or 78D; and describe the nature of the interest.

It is important to note that being absent from an Ordinary Meeting of Council or Assembly of Councillors, does not exempt a Councillor from disclosing a conflict of interest to a specific item.

The following provides a guide in relation to the determination of conflicts of interest.

TYPE OF INTEREST		DETAIL
		Reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered
Direct Interest		Reasonably likely to receive a direct benefit or loss measurable in financial terms
(s77B)		Person has, or the person together with a member(s) of their family have a controlling interest in a company or other body that has a direct interest
	Close Association (s.78)	A member of your family has a direct interest or an indirect interest
		A relative has a direct interest
		A member of your household has a direct interest
		Likely to receive a benefit or incur a loss, measurable in money, resulting from a change to another person's interests
	Indierect Financial Interest (s.78A)	Holding shares in a company or body that has a direct interest (subject to threshold - \$10,000 value of shares if company shares issued exceeds \$10 million)
		When a person with a direct interest owes you money
		Manager or member of the governing body of an organisation with a direct interest
Indirect Interest	Conflict of Duty (s78B)	Partner, consultant, contractor, agent or employee of person, company or body with a direct interest
		Trustee for a person with a direct interest
		Past dealings in relations to the matter as duty to another person or body
		Election donations valued at or above \$500 in previous 5 years
	Applicable Gift (s. 78C)	Other Gifts valued at or above \$500 over a 5 year period excluding reasonable hospitality received when attending in an official capacity and a gift received 12 months before becoming a Councillor
	Party to the Matter (s.78D)	Intiated or became party to civil proceedings in relation to the matter
	Impact on Residential Amenity (s. 78E)	Reasonably likely that your residential amenity will be directly altered
Conflicting Personal Interest	Conflicting with Public Duty (s.79B)	Personal interest is in conflict with Councillor's public duty in relation to the matter. Application needs to be made to the Council / Special Committee to be exempted from voting. Council / Special Committee cannot reasonable withhold its consent

6. COMMUNICATION PRINCIPLES

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

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

We acknowledge that individual Councillors may have a personal view / opinion on certain matters that is contrary to Council's formal position and may wish to express this view / opinion via the local media. Where Councillors choose to do so, they will make it clear that such comment is a personal view / opinion 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, or to Council as an organisation.

Councillors agree to abide by the principles on communication as set out in section 4(e) of this code of conduct.

6(a) Community Engagement

As representatives of the community, Councillors are required to listen to the community's views, be responsive to them and adequately communicate the positions and decisions of Council.

Council should also ensure that they participate in formal and informal community engagement initiatives across the entire municipality, to assist them in understanding the needs of the entire community.

There is a statutory obligation for Councillors to represent the diverse views of the community and understand the community sentiment beyond immediate networks and their own personal views.

There will be times when a Councillor has an individual view that is in disagreement with a majority decision of Council. When expressing their own views on a topic in a community engagement exercise, Councillors will acknowledge that;

- As a member of Council, they respect the decision making process of Council, which is based on the principle of majority vote; and
- The opinion expressed by the individual is a personal view and not an endorsed position of the Council. It is the responsibility of the individual Councillor to ensure that there is no level of confusion amongst the community and the community could not be considered to be misled due to their communication (the communication can take the form of social media, print media, direct dialogue or email to residents).

6(b) Communication Protocols

Councillors will be provided with relevant information to help them make informed decisions and fulfil their duties. This information may be publicly available, or in some instances, restricted or confidential. Councillors will act in accordance with the confidentiality requirements of s.77 of the Act and the guidance provided in s5(b)iii of this Code, when requesting a briefing from Council officers or requesting information from official Council records.

A Councillor will only request operational or confidential information in order to gain a broader understanding of an issue that falls under their role and responsibilities, or if it relates to matter before Council (or is expected to come before Council for decision).

All requested information will be provided to all Councillors, unless the Chief Executive Officer determines that providing the information is likely to be a breach of privacy, prejudice Council or any person, would undermine legal privilege or would otherwise be inappropriate.

The Chief Executive Officer will provide all Councillors with information on any declined requests for information, including the reason the information was not able to be provided.

6(c) Candidature of Councillors for State & Federal Elections

- A Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a state or federal election (a prospective candidate), will provide written advice to the CEO, as soon as practicable; the CEO will then advise all Councillors
- A Councillor who is a prospective candidate, will declare their candidacy at a meeting of Council as soon as practicable after notifying the CEO.
- A Councillor who nominates as a candidate for a state or federal election (a nominated candidate), will apply for leave of absence from the Council and this leave will commence upon the announcement of the election and the commencement of the formal campaign period. The leave of absence will conclude at the close of voting. During this period, a Councillor who is on leave of absence will not attend meetings of Council or otherwise act as a Councillor.
- The staff Councillor Contact Protocols that form part of this Code of Conduct will be observed by the nominated candidate. This will apply to the close of counting for the election.
- A Councillor who is a prospective candidate or a nominated candidate, will take care to differentiate between their role as a state or federal election candidate and their role as a Councillor when making any public comment.
- A Councillor who is a prospective candidate or a nominated candidate, will not use Council resources, including Council equipment and facilities in relation to their candidacy.

- A Councillor who is a prospective or nominated candidate, will not attend Council activities (Council meetings or Council sanctioned events) in relation to their candidacy.

7. INFORMATION AND RESOURCES

7(a) Use of Council Provided Resources

As Councillors, 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.

Councillors will also commit to reviewing and where necessary updating the Councillor Expenses and Entitlement Policy. This policy details the facilities and support that is provided to Councillors to assist them in the performance of their civic duties.

Councillors should understand the limitations required during election periods to ensure that there is not a reality or perception that Council resources are used for electoral purposes. This includes IT Equipment, Motor Vehicles and Office Equipment such as Printers and Copiers.

7(b) Access to information

Councillors will be provided with relevant information to help them make informed decisions and fulfil their duties. This information may be publicly available, or in some instances, restricted or confidential. Councillors will act in accordance with the confidentiality requirements of s.77 of the Act and the guidance provided in s5(b)iii of this code, when requesting a briefing from Council officers or requesting information from official Council records.

A Councillor will only request operational or confidential information in order to gain a broader understanding of an issue that falls under their role and responsibilities or if it relates to a matter before Council (or is expected to come before Council for decision).

All requested information will be provided to all Councillors, unless the Chief Executive Officer determines that providing the information is likely to be a breach of privacy, prejudice Council or any person, would undermine legal privilege or would otherwise be inappropriate.

The Chief Executive Officer will provide all Councillors with information on any declined requests for information, including the reason the information was not able to be provided.

7(c) Appraisal of Governance Performance

The value of effective governance practices is acknowledged by Councillors as critical to the ongoing delivery of services to the community and achievement of Council Plan objectives.

It is also acknowledged that measuring the effectiveness of governance provides a clear indication of the quality of the performance of the Council. Measuring governance performance also provides an early warning on any emerging issues that may need to be discussed or resolved.

Councillors agree to reflect on and evaluate the collective performance of the organisation from a governance perspective. As part of this evaluation Councillors commit to;

- Hold periodic “debrief sessions” where applicable to work through issues or concerns;
- Conduct a mid–term review to assess whether Council and personal goals are being achieved; and
- Annually review governance performance through an annual “Governance Assessment” conducted by an external entity and commit to implementing recommendations from the review.

8. DISPUTE RESOLUTION PROCEDURES

In order for any disputes to be managed and resolved in a respectful manner it is important for Councillors to commit to follow the procedures set out in this section of the Code of Conduct.

The various steps / phases of the dispute resolution listed in the Code of Conduct provide sufficient detail to ensure a thorough process is adhered to and all parties receive natural justice and a suitable hearing.

8(a) Internal Dispute Resolution Process

Before commencing any formal dispute resolution process, the Councillors who are parties to a dispute are expected to use their best endeavours to resolve the matter in a courteous and respectful manner between themselves. Where, after these endeavours have been exhausted, the matter still remains unresolved the parties may resort to any or all of the Council’s multi-phase dispute resolution process.

This is not intended to resolve differences in policy or strategy development and direction, as this is appropriately resolved through discussion, debate and ultimately voting at meetings.

8(b) Hierarchy of Conduct Standards and who Manages Complaints / Disputes

The Victoria Parliament adopted a number of reforms in the *Local Government Amendment (Improved Governance) Act 2015*. These reforms provide a hierarchy to guide the management of Councillor conduct issues and allegations, by providing the following breakdown;

- Councils dealing with alleged breaches of Council Codes of Conduct
- Councillor Conduct Panels dealing with the majority of escalated cases, and
- The Victorian Civil and Administrative Tribunal (VCAT) dealing with exceptional cases.

The adopted reforms also provide the hierarchy and definitions of misconduct, serious misconduct and gross misconduct as included within this code and they are summarised in the table below, along with who is responsible for managing the various matters.

Degree of Seriousness	Definition	Responsible Authority
Conduct inconsistent with standards Councils set and agreed to	Breaches of Council Code of Conduct	West Wimmera Shire Council
Misconduct	Failing to comply with Council internal resolution procedure, including failure to abide by any decision of Council in relation to a breach of the Code and repeated breaches of Councillor Conduct Principles	Councillor Conduct Panel
Serious Misconduct	Failing to comply with panel processes, bullying, improperly directing staff, releasing confidential information and repeated misconduct	Councillor Conduct Panel
Gross Misconduct	Behaviour that demonstrates lack of character to be a Councillor	VCAT

8(c) Disputes Between Councillors

Councillors will be mindful that having a differing or opposing view on an issue is a normal function of the process of democratic Local Government. Providing the freedom to express different views leads to well informed and considered debate, which provides confidence in decision making. All Councillors have the right to have an influence over decisions through quality debate.

It is a natural part of functioning as a Local Government Authority that disputes and disagreements will occur. To ensure that Council is able to function professionally and provide leadership to the community, Councillors must ensure that disputes and disagreements do not become personal or affect the decision making process of Council.

Councillors who are parties to any disagreement will take responsibility to explore, every avenue possible to resolve the conflict or dispute, before entering into any formal process.

Councillors acknowledge that if a pattern of unsubstantiated or vexatious / frivolous complaints are experienced and continue to be lodged, the Principal Conduct Officer may refuse to allocate any resources to investigate the complaints. In these circumstances, the CEO will inform the full Council of the decisions and the reasons the items were not taken any further. Also if the complainant is not willing to have their identity disclosed, this will further limit any action that may be taken or progressing the matter further.

Where Councillors are unable to resolve a dispute between themselves, the Mayor may be requested to convene a meeting of the parties. To commence the process of resolving disputes between Councillors, the following steps will be taken to enable the Mayor to convene a meeting (Direct Negotiation) of the parties in dispute.

- The party requesting the direct negotiation will provide the Mayor – via the Principal Conduct Officer, with a written request.
- Where the request relates to an allegation of a breach of the Code of Conduct, the request must contain the following;
 - Specify the name of the Councillor alleged to have breached the Code;
 - Specify the provision(s) of the Code that is alleged to have been breached;
 - Include evidence in support of the allegation;
 - Where the allegation is provided by a group of Councillors, name the Councillor who will act as the appointed representative; and
 - Be signed and dated by the Councillor requesting the Direct Negotiation meeting or representative of group requesting the meeting.

The Mayor via the Principal Conduct Officer will notify the other party of the request for the meeting, provide them with a copy of the written request and arrange the meeting (venue and time). Provided all parties agree to meet, the meeting will be convened within 5 working days of all parties agreeing to meet.

If the other party is not prepared to attend a Direct Negotiation meeting, the Mayor, via the Principal Conduct Officer will notify the requestor and no further action is required of the Mayor at this time.

The Mayor may present the parties with guidelines, in advance of the meeting or at the meeting, to help facilitate the smooth management of the meeting.

The role of the Mayor at the meeting is to provide guidance to Councillors about what is expected of a Councillor in accordance with section 65 of the Act and to observe the conduct principles as included in this Code.

Any agreement that may be reached is to be documented and copies provided to both parties. If either party chooses not to comply with the agreement, the other party has recourse to seek external mediation. Failure to comply with the agreement struck at the meeting will constitute a contravention of the Code of Conduct.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, either or both parties have recourse to external mediation or the internal resolution procedure where, the matter relates to an alleged contravention of the Councillor Code of Conduct.

External Mediation

In the event that reconciliation of the dispute is not possible after internal mediation (Direct Negotiation), or the internal mediation is not conducted, a Councillor or group of Councillors may apply to the Principal Conduct Officer, for the dispute to be referred for external mediation.

This request must be provided in writing, indicating the reason for the dispute, the name(s) of those involved in the dispute, the provisions of this code that are alleged to have been breached and any evidence to support the allegation(s). The other party must also be notified of the request and a copy of the application for external mediation is to be provided to them.

The Principal Conduct Officer is required to ascertain the availability of or willingness of the other party to participate and if they decline, they must provide the reasons to the Principal Conduct Officer. These reasons may be taken into account if the matter is the subject of a Councillor Conduct Panel at a later date. Declining to attend external mediation does not constitute a breach of this code; however declining to participate does in anyway resolve the dispute.

If the other party does agree to participate in the external mediation process, the Principle Conduct Officer will advise the applicant, the Mayor and the Chief Executive Officer. The Principal Conduct Officer will then engage the services of a suitably credentialed independent mediator to conduct the mediation at the earliest possible opportunity.

The external mediator will document any agreed outcomes from the mediation and provide copies to all parties. In the event that one party does not comply with the agreed outcomes or mediation does not reach a satisfactory outcome, either party has the option for further action.

If the dispute remains unresolved, the mediator will be required to provide a written report to Councillors and the parties involved in the dispute as to why the process did not result in a resolution.

Internal Resolution Procedure by an Independent Arbiter

If a conflict or dispute arises from an alleged contravention or breach of this Code and has not been resolved through any of the aforementioned internal resolution processes, then a Councillor or group of Councillors (the applicant(s)) may apply to the Principal Conduct Officer for internal resolution by independent arbiter, alleging that a Councillor (or Councillors) has contravened this Code of Conduct.

The application must be in writing, specify the name(s) of the Councillor(s) alleged to have contravened the Code, specify the provisions that have allegedly been contravened and any evidence to support the allegation.

An application for an internal resolution procedure cannot be submitted during a Council election period and any process underway will be suspended for the duration of the election period.

On receiving an application, the Principal Conduct Officer will:

- a) Advise the Mayor and Chief Executive Officer of the application without any undue delay;
- b) Provide a copy of the application to the Councillor who the allegations have been levelled at, no later than two working days from receipt of the application;
- c) Refer to the Legal Services Panel or contact the Law Institute of Victoria to appoint an arbiter;
- d) Obtain from the proposed arbiter written advice that they have no conflict of interest in relation to the Councillors involved in the matter;
- e) Notify the parties of the name of the proposed arbiter and provide them with the opportunity (two working days) to object to the person proposed to be the arbiter;
- f) Consider the grounds of any objection (2 working days) and either appoint the proposed arbiter, or appoint another arbiter;
- g) Provide a copy of the application to the arbiter as soon as practicable after the opportunity for the parties to object has expired (two working days);
- h) After consultation with the arbiter, advise the applicant and the respondent of the time and place for the hearing; and
- i) Attend any hearings and assist the arbiter in the administration of the process.

The role of the arbiter is to:

- a) Consider applications alleging a contravention of this Code by a Councillor;
- b) Make findings in relation to any application alleging a contravention of this Code which the arbiter must provide to Council;
- c) Give a written statement of reasons supporting their findings to Council; and
- d) Recommend an appropriate sanction or sanctions where the arbiter has found that a Councillor has contravened this Code.

In considering an application alleging a contravention of this Code, an arbiter will:

- a) In consultation with the Principal Conduct Officer, fix a time and place to hear the application;
- b) Authorise the Principal Conduct Officer to formally notify the applicant and the respondent of the time and place of the hearing;
- c) Hold as many meetings as deemed necessary to properly consider the application. The arbiter may also hold a directions hearing;
- d) Have discretion to conduct the hearing(s) as they deem fit while also ensuring that the hearing(s) are conducted with as little formality and technicality as due and proper consideration of the applications allows;
- e) Ensure that parties to and affected by an application are given an opportunity to be heard directly by the arbiter;
- f) Consider an application by a respondent to have legal representation at the hearing(s) to ensure that the hearing is conducted fairly and may, in the arbiters absolute discretion, grant the application or deny the application;
- g) Ensure that the rules of natural justice are observed and applied in the hearing of the application; and
- h) Ensure that hearings are closed to the public and outcomes are to remain confidential.

Where an application to have legal representation is granted by an arbiter, the costs associated with representation are to be borne entirely by the Councillor.

An arbiter:

- a) May find that a Councillor who is a respondent to an internal resolution procedure application has not contravened the Code; or
- b) May find that a Councillor who is a respondent to an internal resolution procedure has contravened the Code; and
- c) Will suspend consideration of an internal resolution procedure

The arbiter is to provide a copy of their findings and statement of reasons to Council, the applicant and the respondent. At the same time as the arbiter provides their findings and statement of reasons, where a Councillor has been found to have contravened this Code, they will recommend an appropriate sanction or sanctions for the consideration of Council.

A copy of the arbiters' report, including any recommended sanctions is to be provided to the next Ordinary Meeting of Council (in confidential) for the consideration of Council.

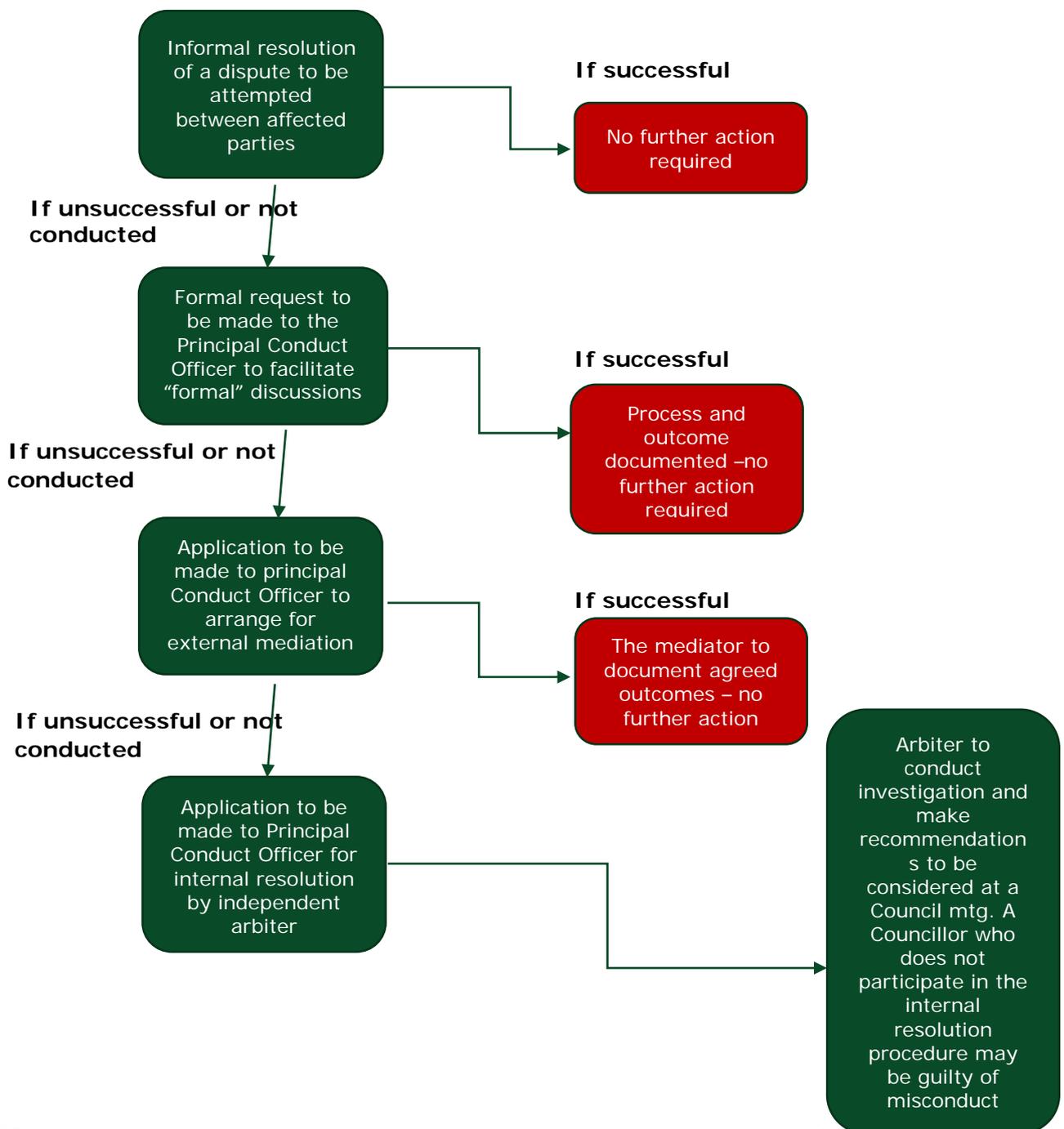
If an arbiter has found that a contravention of this Code has occurred, Council may, after considering the arbiters' findings, statement of reasons and recommendations for sanctions, give any of the following written directions to the Councillor;

- a) Direct the Councillor to make an apology in a form or manner specified by Council;
- b) Direct the Councillor not to attend up to, but not exceeding, two meetings of Council (as per the meeting schedule agreed at the Annual Statutory meeting)

- c) Direct that for a period of up to, but not exceeding, two months on a date specified by Council, the Councillor;
 - Be removed from any position where the Councillor represents Council; and
 - Not chair or attend any Committee Meetings or an Assembly of Councillors or any other meeting specified in the direction.

A Councillor who does not participate in the internal resolution procedure may be guilty of misconduct.

West Wimmera Shire Council Internal Dispute Resolution Flowchart



8(d) Councillor Misconduct

Councillor misconduct is defined in section 3 of the Act (see misconduct, serious misconduct and gross misconduct). Allegations of misconduct are heard on application by a Councillor Conduct Panel as outlined in section 81B of the Act and Councillor Conduct Panels are established under and regulated by, Division 1D of the Act.

Applications for a Councillor Conduct Panel to make a finding of misconduct against a Councillor may be made by Council (following a resolution of Council), a Councillor or a group of Councillors.

Applications for a Councillor Conduct Panel to make a finding of serious misconduct against a Councillor may be made by Council (following resolution of Council), a Councillor, a group of Councillors or the Chief Municipal Inspector.

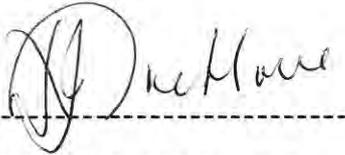
Applications for a Councillor Conduct Panel must be made directly to the state-appointed Principal Councillor Conduct Registrar. Depending on the allegation and outcome, a Councillor Conduct Panel may;

- a) Discipline a Councillor by reprimand, direct an apology or require the Councillor to take up to two months leave of absence;
- b) Direct that the Councillor is ineligible to take up the position of Mayor for a period specified by the Panel;
- c) Require remedial action, including mediation, training or counselling;
- d) Suspend the Councillor from office for a period not exceeding six months; or refer a matter to VCAT if the Panel considers gross misconduct has been conducted by a Councillor.

9. Councillor Declaration: Cr Jodie Pretlove

I hereby declare that I have read the Councillor Code of Conduct for West Wimmera Shire Council, as reviewed on 20 June 2019 and declare that I will abide by this code in compliance with sections 76C(6A) and 76C(6B) of the Local Government Act 1989.

Signed by:



Councillor Jodie Pretlove

Date: 20 June 2019

Witnessed by:



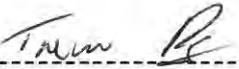
David Leahy, Chief Executive Officer
West Wimmera Shire Council

Date: 20 June 2019

10. Councillor Declaration: Cr Trevor Domaschenz

I hereby declare that I have read the Councillor Code of Conduct for West Wimmera Shire Council, as reviewed on 20 June 2019 and declare that I will abide by this code in compliance with sections 76C(6A) and 76C(6B) of the Local Government Act 1989.

Signed by:



Date: 20 June 2019

Councillor Trevor Domaschenz

Witnessed by:



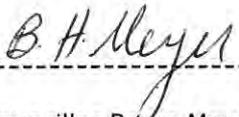
Date: 20 June 2019

David Leahy, Chief Executive Officer
West Wimmera Shire Council

11. Councillor Declaration: Cr Bruce Meyer

I hereby declare that I have read the Councillor Code of Conduct for West Wimmera Shire Council, as reviewed on 20 June 2019 and declare that I will abide by this code in compliance with sections 76C(6A) and 76C(6B) of the Local Government Act 1989.

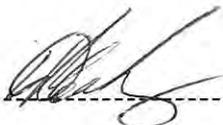
Signed by:



Councillor Bruce Meyer

Date: 28-6- 2019

Witnessed by:



David Leahy, Chief Executive Officer
West Wimmera Shire Council

Date: 28/6/ 2019

12. Councillor Declaration: Cr Tom Houlihan

I hereby declare that I have read the Councillor Code of Conduct for West Wimmera Shire Council, as reviewed on 20 June 2019 and declare that I will abide by this code in compliance with sections 76C(6A) and 76C(6B) of the Local Government Act 1989.

Signed by:

Councillor Tom Houlihan

Date:.....June 2019

Witnessed by:

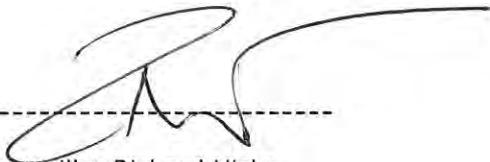
David Leahy, Chief Executive Officer
West Wimmera Shire Council

Date:.....June 2019

13. Councillor Declaration: Cr Richard Hicks

I hereby declare that I have read the Councillor Code of Conduct for West Wimmera Shire Council, as reviewed on 20 June 2019 and declare that I will abide by this code in compliance with sections 76C(6A) and 76C(6B) of the Local Government Act 1989.

Signed by:



Councillor Richard Hicks

Date: 20 June 2019

Witnessed by:



David Leahy, Chief Executive Officer
West Wimmera Shire Council

Date: 20 June 2019