



SPECIAL MEETING OF COUNCIL MINUTES – 15 DECEMBER 2016 WEST WIMMERA SHIRE COUNCIL

Mission Statement:

West Wimmera Shire Council will work in partnership with the community, business and government to develop and enhance a productive, healthy and safe community by providing leadership, services, advocacy and good governance.

HELD: Thursday 15 December 2016

LOCATION: Edenhope Council Chamber

COMMENCEMENT: 3:06pm

IN ATTENDANCE:	
Councillors	Senior Management Group
Bruce Meyer, Mayor Trevor Domaschenz	David Leahy Chief Executive Officer
Richard Hicks Tom Houlihan Jodie Pretlove	Ashley Roberts Acting General Manager Corporate & Community Services

Vision Statement: *West Wimmera Shire delivers the very best experience and opportunity that rural living has to offer*



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1.0 WELCOME

2.0 OPENING PRAYER

The CEO read the opening prayer

3.0 APOLOGIES AND LEAVE OF ABSENCE

Nil

4.0 DECLARATION OF CONFLICT OF INTEREST

All councillors have a personal responsibility to ensure they are aware of the provisions mandated in the Local Government Act 1989 with regard Conflict of Interest disclosures. The Conflict of Interest – A Guide for Councillors (October 2012) has been made available to all Councillors in hard copy form and is available via docs on tap.

Nil



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5.0 REVIEW OF COUNCILLOR CODE OF CONDUCT

FILE NUMBER: AD0007

REPORT AUTHOR: DAVID LEAHY – CEO

FOR DECISION

Introduction

The requirement to review the Councillor Code of Conduct was legislated in November 2015 and came into effect in February 2016. It is also legislated that Councillors sign a declaration to abide by the Code of Conduct to enable them to act as a Councillor.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Following the election of the current State Government a number of amendments to the Local Government Act were introduced and have incrementally been implemented.

One of the amendments was to have each Council review their Councillor Code of Conduct and include specific provisions such as, an internal resolution process and information on penalties that may apply for a proven breach of the code.

Councils are now required (following the recent election) to again review their respective codes of conduct within 4 months of the Council election. Once reviewed, Councillors are then legally obliged to sign a declaration to abide by the principles of the code of conduct.

Failure to sign the declaration will see Councillors disqualified for the remainder of the Council term. Late declarations will not be accepted and the declaration must be signed each time the document is reviewed and amended.

As Councillors are aware, there is no meeting in January, so to ensure that the review is complete and the document adopted prior to the February deadline, the process must start immediately.



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It is also essential that the code of conduct is adopted at a special meeting called specifically for the purpose of adopting the code of conduct. This meeting is also the opportunity for all Councillors to sign a declaration, witnessed by the CEO, to abide by the code.

The code of conduct has been discussed as part of the Councillor Induction process and at the Councillor Assembly (Forum) on 30 November to provide Councillors with the opportunity to question the content and suggest any modifications.

Councillors were provided time to propose amendments to the code of conduct by communicating their proposals to the CEO. As no proposed amendments were received, the Councillor Code of Conduct for the West Wimmera Shire Council is once again placed before Council for approval and for each Councillor to sign a declaration to abide by its principal's.

Risk Management Implications

Failure to sign the declaration could see a Councillor stripped of their qualification to act as a Councillor.

Legislative Implications

The requirements in relation to the review of the Councillor Code of Conduct are contained in section 76C of the Local Government Act 1989

Environmental Implications

Nil

Financial and Budgetary Implications

Nil

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Councillor Code of Conduct Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2013-2017:

- Strategic Objective 4: Increase community confidence in Council Service Levels



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- Strategic Objective 6: Strengthen the culture and governance of the organisation

Communication Implications

Nil

Conclusion

The requirement to review the code of conduct and to sign a declaration are critical activities and the ramifications of failure to comply are extremely serious.

The audit of the process under the previous Council was extremely detailed and literal.

The Local Government Minister now has the express power to remove an individual Councillor rather than an entire Council, which makes it easier to take disciplinary action on a failure to comply.

As stated in the guidelines provided by Local Government Victoria, there will be no late declarations accepted and this means that the review must be complete and declarations signed as soon as possible.

The requirement to undertake the process of review, approval and declaration within 4 months of the election date, has triggered the need for the Special Meeting to be held in December to ensure that the timelines are adhered to. If this does not occur for any reason, it must be adopted at the February Meeting of Council at the absolute latest.

OFFICER RECOMMENDATION:

- 1) That Council approve the reviewed Councillor Code of Conduct for West Wimmera Shire Council.**
- 2) That each Councillor sign and have witnessed by the CEO, a declaration to abide by the principles of the West Wimmera Shire Council Councillor Code of Conduct.**



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Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

- 1) That Council approve the reviewed Councillor Code of Conduct for West Wimmera Shire Council.**
- 2) That each Councillor sign and have witnessed by the CEO, a declaration to abide by the principles of the West Wimmera Shire Council Councillor Code of Conduct.**

Carried (4/1)

Attachments:

No.	Name	RecFind Ref
5.1	Councillor Code of Conduct, signed 10 November 2016	16/004544

MEETING CONCLUDED: 3.17PM