



# City of Whitehorse

## AGENDA

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### **Special Council Meeting – Review of Councillor Code of Conduct**

To be held in the  
Council Chamber  
Nunawading Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 20 February 2017**

at 8.00pm

**Members:** Cr Denise Massoud (Mayor), Cr Bill Bennett,  
Cr Raylene Carr, Cr Prue Cutts, Cr Andrew Davenport,  
Cr Sharon Ellis, Cr Tina Liu, Cr Andrew Munroe,  
Cr Ben Stennett, Cr Tanya Tescher

**Ms Noelene Duff**  
Chief Executive Officer

## TABLE OF CONTENTS

<b>1</b>	<b>WELCOME AND APOLOGIES</b> .....	<b>2</b>
<b>2</b>	<b>DISCLOSURE OF CONFLICT OF INTERESTS</b> .....	<b>2</b>
<b>3</b>	<b>COUNCIL REPORTS</b> .....	<b>2</b>
	3.1. REVIEW OF COUNCILLOR CODE OF CONDUCT .....	2
<b>4</b>	<b>CLOSE MEETING</b> .....	<b>3</b>

## AGENDA

- 1 WELCOME AND APOLOGIES
- 2 DISCLOSURE OF CONFLICT OF INTERESTS
- 3 COUNCIL REPORTS

### 3.1. Review of Councillor Code of Conduct

ATTACHMENT

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#### SUMMARY

*The purpose of this report is to review the Councillor Code of Conduct as required of the Local Government 1989 Section 76C (2).*

*There is a legislative requirement that Council must within 4 months after a general election call a special meeting to review its Councillor Code of Conduct and approve any amendments*

#### RECOMMENDATION

***That Council:***

1. ***Having undertaken a review of its Councillor Code of Conduct as required under the Local Government Act 1989, hereby endorse the adoption of the Councillor Code of Conduct (as amended) and the incorporated documents i.e. Guide for Councillors and Election Period Policy (Refer to Attachment 1)***
2. ***Request the Chief Executive Officer (CEO) to:***
  - a) ***Ensure that a signed declaration is made before the CEO by each Councillor that he/she will abide by the Councillor Code of Conduct and a copy of the code provided to each Councillor;***
  - b) ***Make a copy available for inspection at Council's Civic Centre; and***
  - c) ***Make a copy available on Council's website.***

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#### DISCUSSION

Council adopted its current Councillor Code of Conduct ("the Code") on 27 June 2016 and then as was required after the general Council election (Section 63 (1) (b) read the Councillor code of conduct and made a declaration on the 9 November 2016 that each Councillor would abide by the Councillor Code of Conduct.

The Code, as it stands, does not replicate what is expressly prescribed by legislation and/or Council policy, but rather places emphasis on matters customary to Council. Therefore, the proposed Councillor Code of Conduct (and incorporated documents i.e. Guide for Councillors and Election period policy) intentionally maintains previously adopted material, and is inclusive of any previous amendments to legislation and matters prevalent to Local Government.

## **CONSULTATION**

Councillors have been consulted during the review of the Code and have provided comments and suggested amendments which were considered and discussed at Councillor informal briefing sessions. An awareness and information session was conducted by Terry Bramham Lawyer with Macquarie Local Government Lawyers on 6 February 2017.

## **IMPLICATIONS**

### **1. Legislative**

The Local Government Act 1989 (as amended), compels Council to review and make any necessary amendments to its Councillor Code of Conduct by 22 February 2017. As this is a statutory obligation, there are no Charter of Human Rights implications for Council.

### **2. Council Plan / Policy**

Meets Council's strategic objective of "*Strong leadership and governance in partnership with the community*"


### **3. Financial**

There are no financial implications associated with this report.

## **CONCLUSION**

A Councillor Code of Conduct contributes to, and strengthens the foundations of the collaborative spirit between elected representatives. Importantly, consistent with their legal obligations, Councillors are expected to observe certain behaviours that support the effective decision making processes of the Council. It is considered that the Councillor Code of Conduct will support Councillors in achieving these objectives.

## **ATTACHMENT**

- 1 Councillor Code of Conduct 

## **4 CLOSE MEETING**