



BOROONDARA
City of Harmony

Councillor Code of Conduct

2011

Responsible Directorate: Chief Executive Office
Authorised By: Council
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Policy Type: Council

Table of contents

1. Introduction.....	3
2. Councillor Conduct Principles	3
3. Roles and Relationships	3
3.1. Chief executive officer and Administration	4
3.2. Councillors	4
3.3. The Mayor	4
4. Process for Decision Making.....	4
4.1. Formal Council Decision Making	4
4.2. Councillor Briefings	5
4.3. Councillor Assignments	5
5. Conflict of Interest Procedures	5
6. Dispute Resolution Procedures	5
7. Enforcement of Code	6
8. Review Period	6
9. Endorsement.....	7

1. Introduction

As councillors of the City of Boorondara we are committed to:

- the principles of good governance
- discharging our responsibilities to the best of our skill and judgment.
- working together in the best interests of the people within our municipality

Our commitment to working together constructively will enable us to achieve Council's vision as documented in the Council Plan, in a manner consistent with our values.

This Code of Conduct adopted by resolution of Council on 11 April 2011 replaces the Councillor Code of Conduct adopted by Council on 26 October 2009 and is complemented by a range of Council policies and procedures that form part of Boroondara's governance framework.

2. Councillor Conduct Principles

We endorse and agree, as is specified in the *Local Government Act 1989*, that it is a primary principle of councillor conduct that, in performing the role of a councillor, we as a councillor must:

- act with integrity;
- impartially exercise our responsibilities in the interests of the local community; and
- not improperly seek to confer an advantage or disadvantage on any person.

In addition, in performing our role as councillors we will:

- avoid conflicts between our public duties as a councillor and our personal interests and obligations;
- act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other councillors, council staff and other persons;
- exercise reasonable care and diligence and submit ourselves to the lawful scrutiny that is appropriate to our office;
- endeavour to ensure that public resources are used prudently and solely in the public interest;
- act lawfully and in accordance with the trust placed in each of us as elected representatives; and
- 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.

3. Roles and Relationships

We recognise the importance of appropriate and productive relationships and will strive to support and maintain these relationships as we work cooperatively to achieve Council's vision and mission.

We recognise our responsibility to ensure our interactions with staff, each other or others associated with Council meet the requirements of the *Occupational Health and Safety Act 2004* and the *Equal Opportunity Act 1995*.

3.1. Chief Executive Officer and Administration

We acknowledge that the administration is accountable to Council through the Chief Executive Officer, who is responsible for the management and administration of the organisation.

As councillors, we will be mindful of our obligations under the *Local Government Act 1989* and endeavour to ensure our interactions with members of Council staff do not, and are not perceived to improperly direct or influence members of Council staff in the exercise of their duties, or in their professional advice to Council.

Where practicable, we will direct our enquiries to the administration through the Chief Executive Officer, Directors or Managers.

We accept that decisions which modify, change or reject officer recommendations must only be made at formal Council or Committee meetings.

3.2. Councillors

We acknowledge that as councillors we are elected to govern the municipality as Council, on behalf of the community.

We are committed to representing our constituents and the broader community as we work together as Council to achieve outcomes that are in the best interests of the municipality.

3.3. The Mayor

The Mayor is elected by Council to represent the views and directions of Council, and councillors, in performing various roles and duties, including chairing the Council meetings and acting as Council's spokesperson.

We recognise that the Mayor provides leadership of Council by virtue of the respect and authority the role is afforded by Council and councillors and note that the Mayor shall take precedence at all municipal proceedings within the City as "first among equals".

4. Process for Decision Making

We are committed to making all decisions impartially and in the best interests of the whole community and acknowledge that effective decision-making is vital to the democratic process and an essential component of good governance. Accordingly:

- We will actively and openly participate in the decision making process, striving to achieve the best outcome for the community.
- We will respect the views of the individual in the debate.
- We will accept that decisions are based on a majority vote.

4.1. Formal Council Decision Making

Council makes decisions at Council or Special Committee meetings. The Mayor is the chairperson for Council meetings and chairpersons for Special Committee meetings are appointed annually.

We acknowledge the critical role of the Chairperson to facilitate good decision making, in particular by encouraging full and balanced participation by all councillors and members of the public where appropriate in accordance with Council's Meeting Procedure Local Law.

We acknowledge that, as a matter of custom and practice, the immediate past Mayor or past Chairperson of the relevant Special Committee will be the first candidate considered where it is necessary to elect a temporary chairperson.

4.2. Councillor Briefings

Informal briefings and discussions are not Council meetings and therefore not decision-making forums. Such meetings of councillors and Council staff are an opportunity to discuss issues informally and confidentially.

During the course of any briefing or discussion, as councillors we will not seek to place restrictions on the ability of Council staff to give independent advice or seek to direct or request Council staff to present a particular recommendation(s) to Council or the relevant Committee.

4.3. Councillor Assignments

Council establishes a range of advisory committees to address specific issues, often with input from members of the community. Council also participates on external committees or organisations through assigning a councillor or officer to the body.

We acknowledge that in the absence of specific delegations or authorisation, Councillor assignments do not carry executive authority which remains with Council and/or delegated officers.

5. Conflict of Interest Procedures

Conflict of interest requirements are enshrined in the *Local Government Act 1989*.

We recognise:

- the importance of fully observing the requirements of the Act.
- that the legal onus to determine whether a conflict of interest exists rests entirely with councillors as individuals and officers cannot offer legal advice in relation to potential conflicts.
- the importance of giving early consideration to matters being considered by the Council, special committee to which we belong or assembly of councillors, to ascertain if we have a conflict of interest.

6. Dispute Resolution Procedures

Councillors commit to working effectively together at all times and to developing good working relationships. In the event of any dispute occurring,

1. Before commencing any formal dispute resolution process, the councillors who are parties to any disagreement will endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.
2. In the event that the parties cannot resolve their differences, the first stage of the dispute resolution process is for the councillors to initiate a meeting of the councillor team to assist discussions between the parties, this is to be undertaken in a collegiate spirit without taking sides or taking positions on the topic of disagreement. This meeting must be undertaken within 7 days of councillors being informed that there is an issue. If the parties do not wish this step to be undertaken, then the parties will move to 3 (below).
3. Where a dispute occurs and councillors are unable to resolve the dispute, the parties to the dispute agree to work together to try to resolve the dispute and will agree to the appointment of a mediator nominated by the Chief Executive Officer and acceptable to both parties, or failing agreement, seek assistance from peak bodies or the Dispute Settlement Centre Victoria.
4. If a mediator is appointed, all councillors agree to cooperate with the dispute resolution process and use their best endeavours to assist the mediator when requested.

5. In the event that a dispute cannot be resolved through application of these processes, it may be referred to a Councillor Conduct Panel in accordance with the *Local Government Act 1989*.
6. If the dispute relates to an apparent offence under the *Local Government Act 1989* it should be referred to the Minister for Local Government and not be the subject of an application to a Councillor Conduct Panel.
7. The dispute resolution procedure is not intended to resolve differences in policy or decision making, which are appropriately resolved through debate and voting in Council and Committee meetings.

7. Enforcement of Code

Breaches of this Code of Conduct will be enforced through the following processes:

- (a) If the allegation of a breach is from a councillor or councillors:
 - Refer the matter to the Dispute Resolution Procedures under the Code; and
 - If the matter is still unresolved a councillor or councillors may make application to the Councillor Conduct Panel established under the Act.
- (b) If the allegation of a breach is from Residents or the Community:
 - Refer the allegation to the Mayor (unless the allegation relates to the Mayor) for initial investigation and determination of appropriate action; and/or
 - Possible referral to Council's Protected Disclosure Coordinator to be dealt with under the *Whistleblowers Protection Act, 2001* process; and
 - If the allegation relates to the Mayor, the matter should be referred to the Chief Executive Officer in the first instance and the Chief Executive Officer will in turn refer the matter to Council which will deal with the matter in accordance with paragraph (a) above, or to Local Government Victoria.

8. Review Period

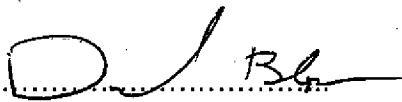
Council will review the Code of Conduct as required, in addition to the statutory requirement to review the Code of Conduct after each General Election, to ensure the Code of Conduct remains relevant to the operations of Council.

9. Endorsement

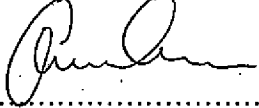
It is acknowledged that in accordance with the Act, this Code addresses the statutory requirement set out in Section 76C of the Act, namely it:

- Includes Councillor Conduct principles;
- Establishes a process for resolving disputes between councillors; and
- Includes other matters relating to the conduct of councillors which the Council considers appropriate.

This Code of Conduct was adopted by the Council on 11 April 2011 and is signed by the following councillors:



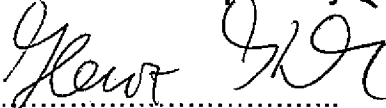
Councillor David Bloom



Councillor Kevin Chow



Councillor Phillip Healey



Councillor Heinz Kreutz



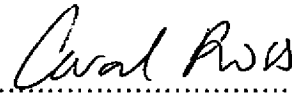
Councillor Phil Meggs



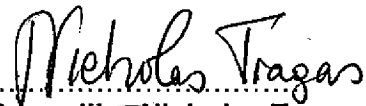
Councillor Dick Menting



Councillor Brad Miles



Councillor Coral Ross



Councillor Nicholas Tragas



Councillor Jack Wegman