



Cardinia

MINUTES OF SPECIAL MEETING OF GENERAL COUNCIL 1

MONDAY, 20 FEBRUARY 2017

MINUTES OF SPECIAL MEETING OF GENERAL COUNCIL 1

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 20 February 2017
The meeting commenced at 7pm

PRESENT:

Mayor, Brett Owen, Chairman

Councillors Jodie Owen, Michael Schilling, Ray Brown, Jeff Springfield, Carol Ryan, Collin Ross, Graeme Moore, Leticia Wilmot

Messrs Garry McQuillan (CEO), Mike Ellis (GMAS), Derek Madden (GMCS), Andrew Paxton (GMPD), Jenny Scicluna (GMCWB), Doug Evans (MG)

APOLOGIES:

Nil

DECLARATION OF PECUNIARY AND OTHER INTERESTS

Nil.

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1. COUNCILLOR CODE OF CONDUCT ERROR! BOOKMARK NOT DEFINED.

1 COUNCILLOR CODE OF CONDUCT

FILE REFERENCE INT178898

RESPONSIBLE GENERAL MANAGER Garry McQuillan

AUTHOR Doug Evans

RECOMMENDATION

That Council adopt the revised Councillor Code of Conduct and each Councillor make a declaration stating that they will abide by the Code.

Attachments

- 1 Councillor's Code of Conduct with suggested amendments

EXECUTIVE SUMMARY

To review the Councillor's Code of Conduct and make amendments to the Code as required by Section 76C of the Local Government Act 1989.

BACKGROUND

Section 76C (2) of the Local Government Act 1989 requires the Council to review the Councillor Code of Conduct and make any amendments to the Code at a Special Meeting called solely for that purpose within 4 months of a general election, that is by 22 February 2017.

The Code has been reviewed and amendments have been made as a result of this review, the amended Code is now presented to the Council for formal adoption.

The suggested amendments are

- **Amendment 1, Clause 9.4**

A correction to clause 9.4 is suggested as this clause refers to the 'Merit' customer service system. As the 'Merit' system has been replaced this reference is no longer relevant and it is suggested that this clause be amended to remove this reference accordingly

Amendment 2, Clause 12

An amendment to Clause 12 to provide the CEO with a process to raise the matter of a potential breach of the Code by a Councillor.

This will require an amendment to Clause 12.1 to include reference to the Chief Executive Officer

And the inclusion of a new Clause 12.4 to read as follows:

12.4 Disputes between councillors and staff

If the Chief Executive Officer becomes aware of a complaint by a staff member in respect of a councillor the Chief Executive Officer must:

- 12.4.1 immediately advise the Mayor about the complaint; and

12.4.2 at the next meeting of the Council, advise the Council about the complaint when the meeting is closed to members of the public.

Where the Council deems that a breach of the Code may have occurred, the Mayor will progress the matter in accordance with the steps detailed in Clause 12.2

A minor correction to Clause 12.1 to reference the CEO will also be required to facilitate the addition of this suggested clause 12.4

This suggested process is similar to the procedure stipulated in Section 105 of the Local Government Act if a complaint is lodged in regard to the conduct of the Chief Executive Officer

Amendment 3, flow chart showing process for complaint of breach of code

As agreed at the briefing session on 23 January, a flow chart showing the various stages of a complaint of a breach of the Code of Conduct is suggested to be included as the final page of the Code

Section 76C (6A) and (6B) of the Act requires that a Councillor must make a declaration stating that they will abide by the Councillor Code of Conduct and that this declaration must be in writing and witnessed by the Chief Executive Officer.

It is proposed that these declarations will be made at the meeting once the amended Code has been adopted.

POLICY IMPLICATIONS

Adopting the amended Code will establish the Code as Council policy in regard to the principles espoused in the document.

RELEVANCE TO COUNCIL PLAN

Complying with the legislative requirements surrounding the Councillor's Code of Conduct is consistent with the Council Plan goals to

- Embrace and demonstrate effective governance and transparency, notwithstanding that on occasions, matters under consideration will be confidential and
- Govern and make decisions in the best interests of the Cardinia Shire community.

CONSULTATION/COMMUNICATION

Councillors have discussed the Code at length and the amendments to the Code reflect the discussions and agreements reached at these discussions.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONCLUSION

To comply with the requirements of the Local Government Act Council is required to review and amend its Councillor's Code of Conduct. Adopting this revised Code as recommended will achieve compliance with this legislative requirement.

1 COUNCILLOR CODE OF CONDUCT

Moved Cr J Owen Seconded Cr G Moore

That Council adopt the revised Councillor Code of Conduct and each Councillor make a declaration stating that they will abide by the Code.

Cd.

Meeting closed at 7.10pm

Minutes Confirmed
Chairman