



Councillor Code of Conduct

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PREAMBLE

The Local Government Act 2020 (*the Act*) requires a Council to develop and maintain a Councillor Code of Conduct. The Councillor Code of Conduct (*the Code*) is required to be periodically reviewed.

Section 139 of the Act requires councils to develop and adopt a Councillor Code of Conduct that:

- Must include the Standards of Conduct prescribed by the Local Government (Governance and Integrity) Regulations 2020 (*the Regulations*);
- Must include any provisions prescribed by the Regulations;
- Must include provisions addressing any matters prescribed by the Regulations; and
- May include any other matters which the Council considers appropriate, other than any other Standards of Conduct.

This Code sets out roles and responsibilities, the prescribed Standards of Conduct and provides specific arrangements to deal with disputes and misconduct.

SECTION 1 - ROLES AND RELATIONSHIPS

Overview: This section describes the statutory roles of Council, Councillors and the Chief Executive Officer as defined under the Act. It details and establishes the working relationship between Councillors and the organisation. Warrnambool City Council consists of the Council (the representative arm of seven Councillors) and the organisation (the operational arm made up of the Chief Executive Officer & staff).

Good governance is dependent on effective, trusting relationships between the Councillors and the organisation, and an understanding of the distinction between the roles and responsibilities of Council and the organisation.

1.1 Role of Council

Sec. 8 of the Act – Role of Council

- (1) The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.
- (2) A Council provides good governance if—
 - a) it performs its role in accordance with section 9;
 - b) the Councillors of the Council perform their roles in accordance with section 28.
- (3) In performing its role, a Council may—
 - (a) perform any duties or functions or exercise any powers conferred on a Council by or under this Act or any other Act; and
 - (b) perform any other functions that the Council determines are necessary to enable the Council to perform its role.
- (4) If it is necessary to do so for the purpose of performing its role, a Council may perform a function outside its municipal district.

The Council is responsible for setting the vision and strategic direction for the Council, determining strategic policy and appointing the Chief Executive Officer of the Organisation.

Councillors must understand that acting together they constitute 'the Council' and acknowledge that, as individuals, they cannot bind the Council to any actions or decisions. Councillors will act to ensure decision making responsibilities are only exercised in Council Meetings.

Sec. 9 of the Act - Overarching Principles

- (1) A Council must in the performance of its role give effect to the overarching governance principles.
- (2) The following are the overarching governance principles—
 - (a) Council decisions are to be made and actions taken in accordance with the relevant law;
 - (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - (c) the economic, social and environmental sustainability of the municipal district including mitigation and planning for climate change risks, is to be promoted;

- (d) the municipal community is to be engaged in strategic planning and strategic decision making;
 - (e) innovation and continuous improvement is to be pursued;
 - (f) collaboration with other Councils and Governments and statutory bodies is to be sought;
 - (g) the ongoing financial viability of the Council is to be ensured;
 - (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
 - (i) the transparency of Council decisions, actions and information is to be ensured.
- (3) In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—
- (a) the community engagement principles;
 - (b) the public transparency principles;
 - (c) the strategic planning principles;
 - (d) the financial management principles;
 - (e) the service performance principles.

1.2 Role of a Councillor

Sec. 28 of the Act – Role of Councillor

- (1) The role of every Councillor is—
 - (a) to participate in the decision making of the Council; and
 - (b) to represent the interests of the municipal 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.
- (2) In performing the role of a Councillor, a Councillor must—
 - (a) consider the diversity of interests and needs of the municipal community; and
 - (b) support the role of the Council; and
 - (c) acknowledge and support the role of the Mayor; and
 - (d) act lawfully and in accordance with the oath or affirmation of office; and
 - (e) act in accordance with the standards of conduct; and
 - (f) comply with Council procedures required for good governance.
- (3) The role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer.

The role of a Councillor is to act for the community and advocate on their behalf. A Councillor plays a key role in facilitating communication with the community and encouraging public participation and community 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.

Councillors should not be involved in the operational decisions of the Organisation and in adherence to the Act will not misuse their position to direct staff.

The Chief Executive Officer is responsible for developing, implementing and enforcing policies and protocols to manage interactions between councillors and staff. Councillors will act in accordance with the Councillor and Council officer interaction protocols set by the Chief Executive Officer.

In their decision-making roles, Councillors will consider the diversity of the community, the strategic direction set by the Council, and responsible resource allocation, demonstrating civic leadership and good governance.

Councillors will advocate for the needs of their constituents, but will make all decisions to benefit, and be in the best long-term interests of, the whole of the Warrnambool city.

To ensure Councillors maintain a clear and primary duty to the Warrnambool community, rather than a political body or other jurisdiction, Councillors will avoid conflicts of interest, or the appearance of conflicts of interest, that affiliation with political parties may create.

This will underpin the impartiality and ability of Councillors to act in the best interests of the local community. Councillors will not use Council resources (for example, technology, communications channels, events) to prepare or promote a political body or other jurisdiction.

1.3 Role of the Mayor

Sec. 18 of the Act - Role of the Mayor

The role of the Mayor is to—

- (a) chair Council meetings; and
- (b) be the principal spokesperson for the Council; and
- (c) lead engagement with the municipal community on the development of the Council Plan; and
- (d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- (e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- (f) assist Councillors to understand their role; and
- (g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- (h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- (i) perform civic and ceremonial duties on behalf of the Council.

Sec. 19 of the Act – Powers of the Mayor

The Mayor has the following specific powers—

- (a) to appoint a Councillor to be the chair of a delegated committee;
- (b) to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;
- (c) to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

The role and responsibilities of the Mayor include:

- Being a leader and advocating for the community
- Ensuring and 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, conduct and working relationships, with this agreed Code as the basis for discussions
- Sustaining partnerships and advocating for Council's interests, and pursuing opportunities for the City in line with adopted policies, strategies and plans
- Representing the Council at civic functions and forums.

1.4 Role of Deputy Mayor

The role of the Deputy Mayor is to give effective support to the Mayor and Councillors during the day-to-day function of Council. The Deputy Mayor must undertake the role of the Mayor if:

- the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- the office of Mayor is vacant.

The Deputy Mayor will take responsibility for the internal resolution process when the matter relates to the Mayor.

1.5 Role of the Chief Executive Officer

Sec. 46 of the Act - Functions of the Chief Executive Officer

- (1) A Chief Executive Officer is responsible for—
- (a) supporting the Mayor and the Councillors in the performance of their roles; and
 - (b) ensuring the effective and efficient management of the day to day operations of the Council.
- (2) Without limiting the generality of subsection (1)(a), this responsibility includes—
- (a) ensuring that the decisions of the Council are implemented without undue delay;
 - (b) ensuring that the Council receives timely and reliable advice about its obligations under this Act or any other Act;
 - (c) supporting the Mayor in the performance of the Mayor's role as Mayor;
 - (d) setting the agenda for Council meetings after consulting the Mayor;
 - (e) when requested by the Mayor, reporting to the Council in respect of the implementation of a Council decision;
 - (f) 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 Workplace Injury Rehabilitation and Compensation Act 2013.
- (3) Without limiting the generality of subsection (1)(b), this responsibility includes—
- (a) establishing and maintaining an organisational structure for the Council;
 - (b) being responsible for all staffing matters, including appointing, directing, managing and dismissing members of Council staff;
 - (c) managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented;
 - (d) performing any other function or duty of the Chief Executive Officer specified in this Act or any other Act.

The Chief Executive Officer is the head of the organisation. The organisation is responsible for the implementation of Council policy and decisions, operational policy and procedures, service delivery and providing professional advice to Council.

The Chief Executive Officer ensures professional, relevant and timely information is provided to the Council and support to the role of Mayor and Councillors through the provision of governance and administrative support services.

Councillors will respect the functions of the Chief Executive Officer and undertake to comply with the policies, practices and protocols defining the arrangements for interaction between the Councillors, the Organisation and Council officers (staff).

1.6 Role of Councillor Conduct Officer

The Chief Executive Officer will from time to time appoint a member of Council staff as the Councillor Conduct Officer under s 150 of the Act.

The Councillor Conduct Officer must:

- assist Council in the implementation and conduct of the Internal Arbitration Process (refer to section 7.4);
- assist the Principal Councillor Conduct Registrar¹ to perform his or her functions (including appointment of arbiters, publishing guidelines relating to the Internal Arbitration Process, forming Councillor Conduct Panels and publishing guidelines relating to Councillor Conduct Panels); and
- assist the Principal Councillor Conduct Registrar in relation to any request for information.

It is neither the role nor the responsibility of the Councillor Conduct Officer to draft, or to otherwise assist in the drafting of, any application under this Code or the Act.

1.7 Relationship between Councillors and the Organisation

Councillors will act in accordance with the Councillor and Council Officer interaction protocols set by the Chief Executive Officer.

Councillors will:

- Work cooperatively with the Chief Executive Officer and Council officers
- Communicate courteously and respectfully, and expect the same behaviour in return
- Only contact the designated Council officer for each matter, as set by the Chief Executive Officer's protocols.
- Recognise the role of Council officers to provide professional 'best' advice to Council.
- Not direct, or seek to direct, Council officers (including in the preparation of Council reports and recommendations)
- Not undermine or denigrate Council officers, including in Council Meetings, discussions with community members, or communication exchanges

¹ Pursuant to sec. 148 of the Act, the Principal Councillor Conduct Registrar is appointed by the Secretary, Department of Environment, Land, Water and Planning. The Registrar's function and powers are set out in sec. 149 of the Act.

Councillors will commit to providing feedback and raising issues of concern directly with the Chief Executive Officer and not with Council officers (staff) or via the media (including social media). Issues of concern may include but are not limited to:

- Conduct or actions of Council officers (staff)
- Reports and publications prepared by the organisation
- Service delivery standards; and
- Activities and directions of the organisation

1.8 Role of a Delegate or Council Representative on Committees and Other Bodies

The participation on a range of committees established by Council, peak body/sector associations, and local and regional forums is an essential part of Council's representative role.

The Council nominates or appoints Councillor representatives and delegates to these committees and other bodies annually, or as needed.

A Councillor appointed as a delegate or representative to a committee or other body will represent the position of Council, and report back to Council on the issues or progress of the committee or other body and any recommendations made for Council to consider.

SECTION 2 – STANDARDS OF CONDUCT

The Standards of Conduct to be observed by Councillors are set out in the Regulations².

Failure to comply with the Standards of Conduct constitutes ‘misconduct’ for the purposes of the Act. If allegations of misconduct cannot be resolved between Councillors informally, they will be referred to the internal arbitration process, which may result in the imposition of sanctions.

2.1 Treatment of others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor:

- takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the *Equal Opportunity Act 2010*;
- supports Council in fulfilling its obligation to achieve and promote gender equality;
- does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

2.2 Performing the role of Councillor

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor:

- undertakes any training or professional development activities that Council decides it is necessary for all Councillors to undertake to effectively perform the role of a Councillor;
- diligently uses Council processes to become informed about matters which are subject to Council decisions;
- is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

2.3 Compliance with good governance measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of Council, must diligently and properly comply with the following:

- any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with s 46 of the Act for managing interactions between members of Council staff and Councillors;
- the Council expenses policy adopted and maintained by Council under s 41 of the Act;

² Regulation 12, Local Government (Governance and Integrity) Regulations 2020

- the Governance Rules developed, adopted and kept in force by Council under s 60 of the Act; and
- any directions of the Minister for Local Government issued under s 175 of the Act (governance directions).

2.4 Councillor must not discredit or mislead Council or public

In performing the role of a Councillor, a Councillor must:

- ensure that their behaviour does not bring discredit upon Council; and
- not deliberately mislead Council or the public about any matter related to the performance of their public duties.

2.5 Standards do not limit robust political debate

Councillors acknowledge that nothing in the Standards of Conduct is intended to limit, restrict or detract from robust public debate in a democracy. So, while Councillors must always meet these Standards of Conduct, participation in vigorous debate of matters before Council for decision should not be viewed as being inconsistent with them.

SECTION 3 - COMMITMENT, VALUES AND PRINCIPLES

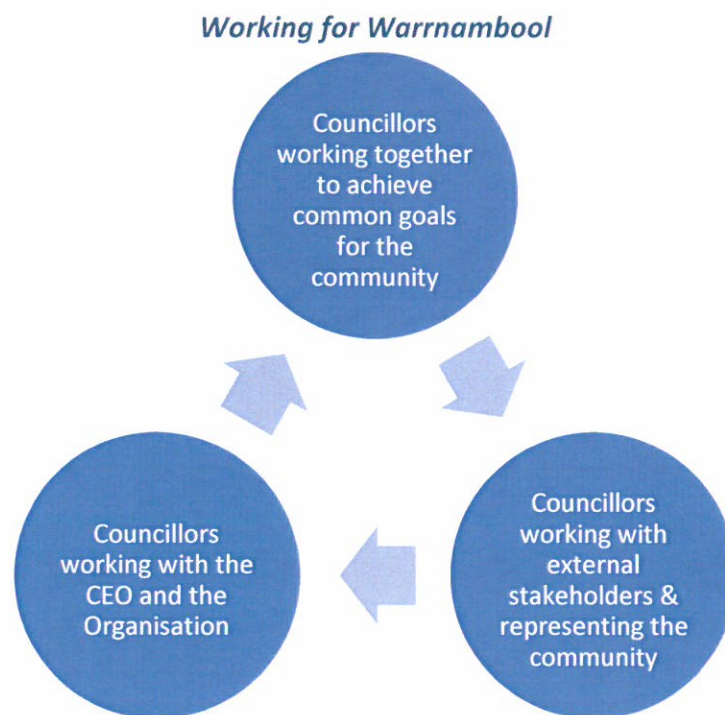
Overview: This section sets out the underpinning values that drive the way Councillors act and interact. The 'Councillor Rules of Engagement' is a high level agreement by each Councillor as a member of Council that they will govern responsibly and uphold the trust placed in them by the Warrnambool community.

3.1 Working Together

Warrnambool City Councillors are committed to working together constructively as a team, to achieve the vision for the Warrnambool City.

This Code of Conduct is a commitment to governing the Council effectively and adhering to high standards of behaviour and the principles of good governance.

This Code of Conduct sets out how Councillors will behave and work together with each other, the Organisation (the Chief Executive & Council Officers) and the community.



3.2 Statement of Commitment

The conduct and behaviour of each Councillor reflects on the reputation of the Council as a whole. Councillors have an obligation to take responsibility for their own actions, recognising their conduct will have an impact on the ability of the Council and the Organisation to function properly.

By adopting this Code:

A **Councillor** commits to:

- transparent and accountable governance
- honest, fair and respectful dealings with the organisation and the wider community
- work with fellow Councillors to achieve the best outcomes in the interests of the whole of the community
- respect for the democratic process
- compliance with legislation, local laws, policies and procedure.

Councillors will be honest, act with integrity, impartially, and in ways that build and maintain trust, including embracing a 'no surprises' approach in their interactions with each other and the organisation. **Councillors** acknowledge the value of teamwork and will commit to:

- Working together in a constructive and professional manner to achieve the vision for the Warrnambool municipality
- Fostering and establishing strong working relationships between the Mayor and each other
- Listening and communicating respectfully, acknowledging each other's perspectives, and engaging in discussion on issues.
- Treating others with courtesy, dignity and respect at all times
- Not being critical of each other, the Organisation, or Council staff in any public forum.

Councillors will be responsive to the community, attend meetings and events, and be gracious to others in all their interactions.

Councillors will recognise that collaborative discussion and planning is essential to the effective governance of the Warrnambool City Council, and will attend and participate in planning sessions and workshops organised by the Chief Executive Officer for the purpose of strategy and budget development including:

- Ordinary & Special Council Meetings
- Briefings and workshops
- External & Advisory Committee meetings (where appointed as the Council delegate)

Councillors, in good faith, will undertake to comply with the various provisions of the Act and this Code of Conduct.

3.3 Councillors agreed 'Rules of Engagement'

All Councillors confirm that they will adhere to the Standards of Conduct in their general conduct as Councillors and adhere to the following 'Rules of Engagement':

RESPECT

- We use language that is tactful and assertive, not aggressive or passive-aggressive
- We don't personalise issues, in other words, "play the ball, not the person"
- When dealing with Council officers, we do this through CEO / Directors, unless previously agreed otherwise

PARTICIPATION

- We ask questions, early and often
- We use briefings to get the information we need

AWARENESS

- We detect who needs support, and provide it
- If there is some aspect of our communication that one of us doesn't like, we will give feedback

CONSISTENCY

- We will make clear the basis for our individual decisions, so that our colleagues can understand the basis for our views

OPENNESS

- We draw out each Councillor's opinion on most issues
- We believe all views are of value, until a collective decision has been made
- To strengthen our resolutions, we encourage Councillors to
 - (i) play 'devil's advocate' and
 - (ii) continue asking "Why?"

COURAGE

- We feel able to take minority positions to test their acceptance
- We will admit our ignorance where we do not know or understand

FLEXIBILITY

- We feel able to take minority positions to test their acceptance
- We work together to bring everyone into agreement and, where we can't, accept that compromise is acceptable

ACCURACY

- We understand those matters that are interpretations of policy and accept our right to reject or accept recommendations.

UNIFIED POSITIONS

- We openly state if we believe we are not ready to decide
- If one or more of us in a majority (or dissent) we are able to explain the majority decision, and can state our opposition to it objectively and unemotionally

GROUP SELF-REGULATION

- Together we monitor the above rules of engagement and note any breaches

PERIODIC REVIEW

- At least every few months we take time to reflect on how well we are adopting these rules of engagement and which are most difficult on a regular basis

SECTION 4 – PROHIBITED CONDUCT

Overview: In addition to observing the Standards of Conduct, Councillors acknowledge that the Act prohibits them from engaging in certain conduct and that doing so constitutes a criminal offence. This conduct relates to:

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

Councillors acknowledge that, while these matters are not Standards of Conduct and are not to be addressed as a contravention of this Code, they undertake to comply with them. In the case of non-compliance, these matters could be the subject of an application to a Councillor Conduct Panel, or of a complaint to the Local Government Inspectorate, the Independent Broad-based Anti-corruption Commission or Victoria Police, depending on the nature of the allegation.

4.1 Misuse of Position

Councillors will not use their position, or knowledge gained in their role, to disadvantage Council or someone else, or advantage themselves or someone else.

Sec. 123 of the Act – Misuse of position

- (1) A person who is, or has been, a councillor or member of a delegated committee must not misuse their position –
 - a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
 - b) to cause, or attempt to cause, detriment to the Council or another person.
- (2) An offence against section 123(1) is an indictable offence.
- (3) For the purposes of this section circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a delegated committee include -
 - (a) making improper use of information acquired as a result of the position the person held or holds; or
 - (b) disclosing information that is confidential information; or
 - (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
 - (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
 - (e) using public funds or resources in a manner that is improper or unauthorised; or
 - (f) participating in a decision on a matter in which the person has a conflict of interest.
- (4) This section:
 - (a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of delegated committees; and
 - (b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.

4.2 Improper Direction

Councillors will not use their position to direct or influence Council officers in any of their powers, duties or functions.

Sec. 124 of the Act – Directing a member of Council staff

A Councillor must not intentionally direct, or seek to direct, a member of Council staff—

- (a) in the exercise of a delegated power, or the performance of a delegated duty or function, of the Council; or
- (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
- (c) 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 this Act or any other Act; or
- (d) in relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

4.3 Breach of Confidentiality

Councillors must observe the confidentiality of the information they receive in the course of performing their duties and responsibilities.

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

Sec. 3 of the Act – Definitions (confidential information)

For the purposes of the Act 'confidential information' means the following information:

- Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- private commercial information, being information provided by a business, commercial or financial undertaking that:
 - relates to trade secrets; or
 - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

- confidential meeting information, being the records of meetings closed to the public under the Act;
- internal arbitration information, being information specified in s 145 of the Act;
- Councillor Conduct Panel confidential information, being information specified in s 169 of the Act;
- information prescribed by regulations to be confidential information for the purposes of the Act; and
- information that was confidential information for the purposes of s 77 of the *Local Government Act 1989*.

Councillors acknowledge that they will have access to confidential information in many forms and that it will not always be labelled as being 'confidential'. Councillors will take reasonable steps to inform themselves about the confidential nature of any Council information before discussing it outside the organisation.

4.4 Conflict of Interest

Division 2 of Part 6 of the Act covers the Conflict of Interest provisions.

Each Councillor is required to identify, manage and disclose any conflicts of interest they may have. Councillors must recognise the importance of fully observing the requirements of the Act in regard to the disclosure of conflicts of interest and will comply with requirements of the Act in regard to conflicts of interest.

The legal onus and decision about whether a conflict of interest exists rests entirely with each individual Councillor.

If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of Council, a delegated committee, a meeting of a community asset committee, or any other meeting held under the auspices of Council, the Councillor must disclose the conflict of interest in accordance with the Governance Rules (unless any of the exemptions apply).

A Councillor must exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

A Councillor may have a 'general' or a 'material' conflict of interest in a matter being considered at a meeting.

Sec. 127 of the Act – General conflict of interest

- (1) Subject to section 129 (exemptions), a relevant person has a **general conflict of interest** in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

For the purposes of general conflict of interest:

- ‘private interests’ means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief; and
- ‘public duty’ means the responsibilities and obligations that a Councillor has to members of the public in their role as a relevant person.

Sec. 128 of the Act – Material conflict of interest

- (1) Subject to section 129, a relevant person has a **material conflict of interest** in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
- (2) The benefit may arise or the loss incurred—
 - (a) directly or indirectly; or
 - (b) in a pecuniary or non-pecuniary form.

For the purposes of a material conflict of interest, any of the following is an ‘affected person’:

- the Councillor;
- a family member of the Councillor;
- a body corporate of which the Councillor or their spouse or domestic partner is a Director or a member of the governing body;
- an employer of the Councillor, unless the employer is a public body;
 - a business partner of the Councillor;
 - a person for whom the Councillor is a consultant, contractor or agent;
- a beneficiary under a trust or an object of a discretionary trust of which the Councillor is a trustee;
- a person from whom the Councillor has received a disclosable gift (i.e. exceeding \$500 in value).

Sec. 129 of the Act – Exemptions (to conflict of interest provisions)

A conflict of interest does not arise if any of the following applies—

- (a) the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter;
- (b) the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;
- (c) the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
- (d) the interest only arises because the relevant person is the representative of the Council on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation;
- (e) the interest only arises because a family member of the relevant person is a member but not an office-holder of a not-for-profit organisation;
- (f) the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;
- (g) the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations.

Councillors acknowledge that they must be clear about their associations with parties external to Council and to avoid conflicts between those associations and their role as Councillors.

In addition to the requirements of the Act, Councillors:

- will give early consideration and notify the Mayor as well as the Chief Executive Officer on whether a conflict of interest exists on any matter to be considered at a meeting;
- will notify, as soon as possible, the Mayor or the Committee Chair if they consider that they are unable to vote on a matter because of a conflict of interest; and
- recognise that the legal onus to determine whether a conflict of interest exists rests entirely with each individual Councillor and that assistance from Council Officers is limited to aiding their understanding of the provisions of the Act. Officers cannot offer any formal advice in relation to a potential conflict.

SECTION 5 - CONDUCT OBLIGATIONS

Overview: Nothing in this part of the Code is intended to impose a binding Standard of Conduct on Councillors. These matters are expressed as operating in addition to the Standards of Conduct. Further, nothing in this part of the Code is intended to modify or derogate from the Standards of Conduct.

This part of the Code sets out conduct that the Councillors agree will contribute to the good governance, integrity and responsible operation of Council.

5.1 Councillor Briefings

A written record of a Councillor Briefing session will be reported to the next practicable Council Meeting and recorded in the minutes.

5.2 Compliance with Legislation & Council Policies

Councillors will comply with all relevant laws and regulations and adhere to Council's confidentiality, legal and privacy requirements.

Councillors will ensure that they:

- Refrain from discriminating, harassing or bullying other people or using offensive language in their capacity as a Councillor (Equal Opportunity Act 1995)
- Give proper consideration and taking human rights into account in Council decisions. (Charter of Human Rights and Responsibilities 2006)
- Have regard for their own safety, that of others and by contributing to a healthy and safe work environment (Occupational Health and Safety Act 2004)
- Recognise the privacy principles and requirements of access, use and release of personal information applies to Councillors as individuals (Privacy & Data Protection Act 2014).

Councillors will comply with all Council's local laws, policies & procedures, in particular:

- Governance Rules
- Audio Recording of Meeting Policy
- Elections Period Policy
- Councillors Resources and Facilities Policy
- Fraud and Corruption Control Policy
- Gifts Policy (Councillors)
- News and Social Media Policy
- Privacy Policy
- Public Interest Disclosure Procedure

5.4 Appropriate Use of Council Resources

Councillors are entitled to resources and facilities to support them in fulfilling their Council role as detailed in Council policies and procedures, in particularly the 'Councillors Resources and Facilities Policy.

Councillors must only use Council resources for their Council duties in accordance with this Code of Conduct, Council policies and procedures.

5.5 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.

A Councillor will only request information in order to gain a broader understanding of an issue that falls under their role and responsibilities (for example, as a committee delegate), or if it relates to a matter currently before - or expected to come before – Council for a decision.

In general, Councillor requests for information should be made at Councillor Briefings so as Councillors as a group can properly understand the nature of the request, any implications such as resource and timelines issues. Outside of these forums, unless otherwise advised Councillor information requests should be directed to the Chief Executive Officer

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 be otherwise 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.

5.6 Confidentiality and Privacy

A Councillor's access to information does not allow them to disclose any information or document to another person, unless that information is already publicly available.

Councillors must not release information they know or should reasonably know is confidential information and will only use confidential information provided to them, for the purpose the information was provided.

Council's Privacy Policy outlines the appropriate use of personal information collected by Council, and places restrictions on what information can be accessed, disclosed or used by another person, including Councillors.

Confidential Council reports distributed to Councillors shall be watermarked and include a covering memo from the Chief Executive Officer stating under which provisions of the Act the information is deemed confidential.

Confidential information provided to Councillors in hard copy must be stored securely by them and disposed of appropriately (by either shredding or returning to the Governance Manager). Confidential electronic information sent to Councillors must be stored securely and deleted when appropriate.

Councillor Briefing papers (including specific reports and attachments) may or may not be designated confidential. In keeping with the principle of 'working together' and to ensure Councillors continue to receive full and frank advice on issues facing Council, Councillors will be mindful of how they disseminate Councillor briefing information in the public domain. Councillors also will respect and abide by external parties requests for confidentiality and or communication embargoes.

5.7 Requests for Service/Complaints

A Councillor request for service is a request made by a Councillor on their own behalf, or on behalf of a community member. The same service standards will apply to a Councillor request for service, as a request for service from a community member.

All service requests must be directed to City Assist and will be sent to the appropriate Council department for actioning. A Councillor may contact the relevant department Director about the progress of a complaint but must not direct or influence the process. Investigations and actions will be recorded and monitored, and status reports will be provided regularly to Councillors.

Councillors will promptly pass on to the Chief Executive Officer any and all correspondence, information, enquiries, requests for information, requests for service, complaints and acknowledgements provided to a Councillor relative to any activity of Council (irrespective of the format or nature of receipt) so these can be acknowledged and actioned in a timely manner.

5.8 Conduct at Council Meetings

Council's Governance Rules governs the conduct of Council Meetings and Committee meetings, and sets the general standards expected of Councillors.

The Chair plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors have equal opportunity to be heard, matters are adequately discussed, meeting procedures are followed and statutory requirements are met.

Councillors will comply with the Governance Rules and this Code of Conduct when participating in Council Meetings and Committee meetings.

Councillors will act respectfully towards the Chair, their fellow Councillors, Council officers, guests and any community members or media attending the meeting.

5.9 Decision Making in the 'Whole of Community' Interest

Councillors are required to make decisions in the best interests of the Warrnambool community.

Councillors agree to act fairly and without bias when making decisions that affect the rights and interests of others.

Councillors agree to remaining open to listening to all arguments and changing their mind in light of all the information presented and considered at Council Meetings.

5.10 Community Consultations and Forums

Community consultations and forums are convened from time to time to enable members of the public to express their views in relation to a specific matter.

Councillors invited or appointed to hear from the community may ask questions to clarify issues raised.

Councillors must not behave or comment in a way that may be perceived as predetermining their own, or Councils position in relation to a matter, or direct or interfere with a Council officer responses.

Community Consultations and Forums include:

- Planning Forums – coordinated by the City Planning team. The purpose of these forums is for applicants and objectors to speak about their support/concerns regarding a planning application
- Single issue consultation forums – arranged as required and coordinated by the relevant Council department responsible for a proposal or responding to specific matter.
- Councillor Briefings – where community members/business representatives request a hearing with Council or are invited by the Chief Executive Officer to present on a specific matter of interest.

Whether formal or informal in nature, comprising some or all Councillors, these community consultation/forums are not statutory meetings of the Council and therefore have no decision making authority.

5.11 Gifts and Benefits

The Gifts Policy (Councillors) provide clear guidance to Councillors on their approach to the acceptance, or otherwise, of gifts, benefits or hospitality from individuals or other entities external to Council.

Councillors must:

- Not seek, solicit, or use their position with Council to obtain gifts, benefits or hospitality from external organisations or individuals for themselves or others;
- Ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts, benefits or hospitality in order to secure or retain Council business;
- Avoid circumstances where accepting any gift, benefit or hospitality could give the appearance of a past, present or future Conflict of Interest;
- Avoid circumstances where the offer of a gift, benefit or hospitality could be interpreted as having been made with the objective of securing, or in return for, a favour or preference;
- Under no circumstances accept or receive a monetary benefit, supplier's goods or services at no cost or at a non-commercial discount;
- Be fully accountable and responsible for their actions and ensure that the methods and processes they use to arrive at decisions are beyond reproach, do not create a conflict of interest and can withstand audit processes and proper scrutiny; and
- Report any incidences where a bribe or inducement is offered.

5.12 Conduct during Councillor Election Period

During the period preceding a Council election the Council assumes a "caretaker role". This period is defined in the Act as the 'Election Period'.

The Election Period Policy ensures that the business of local government in the City of Warrnambool continues throughout an Election Period in a responsible and transparent manner in accordance with statutory requirements and established "caretaker" conventions.

The policy commits the Council during an Election Period to:

- not making any major decisions;

- not making decisions that significantly affect the municipality or unreasonably bind the incoming Council;
- ensuring that public resources, including staff resources, are not used for election campaign purposes, or in a way that may improperly influence the result of an election; and
- not publishing or distributing electoral matter, unless it is simply information about the election process.

The policy prescribes the actions and procedures the organisation, Councillors and staff will implement during an Election Period in observance of the statutory requirements and in the interests of good governance and a fair election generally.

A Councillor must comply with Election Period Policy and must not use Council resources for candidacy, or any purpose that may be perceived as being used for candidacy in a Council election. Such use would constitute misuse of the position by a Councillor.

SECTION 6 – CIVIC REPRESENTATION PROTOCOLS

Overview: This section sets out the protocols relating to civic representation, communication and events. It provides clarity around the separation of a Councillor's individual communications and the expression of Council's official position. The civic leadership role of the Mayor is enshrined in this section.

6.1 Representations by Members of Parliament

Councillors have a legitimate role in advocating on behalf of their communities. At times, this may include the receiving of representations by a Member of State or Federal Parliament, to Council or Councillors.

Councillors must declare to the Mayor and or Chief Executive Officer any representations made to a Councillor (including correspondence or a verbal request) by a Member of Parliament (or their staff).

Councillors must advise Members of Parliament making representations to Council that their representation will be reported to Council.

6.2 Media Relations

Councillors will endeavour to ensure the messages communicated through the media are clear, honest and consistent, and positively portray the Council as a responsible governing body.

Council Media Relations

All *official* Council media relations will be organised through the Communications unit. Councillors will comply with the Warrnambool City Council's Media Policy.

The Mayor is the official media spokesperson on behalf of Council where the Council has an official position on the matter and where the matter is of a political, controversial or sensitive nature. These include:

- Issues relating to the strategic direction of Council and Warrnambool
- Issues relating to Council policy and decisions
- State or Federal political issues affecting local government
- Local issues that impact the community that do not relate directly to Council services and functions.

If the Mayor is unavailable as spokesperson, the Acting Mayor (if any) will become the primary spokesperson. If they are not available, the Mayor in consultation with the Chief Executive Officer will delegate the role to either the Chief Executive Officer or an appropriate Councillor.

The Chief Executive Officer is the official spokesperson for all operational matters relating to the organisation, including:

- Staffing and structure of the organisation
- Corporate issues relating to Council services, service provision or the day-to-day business of Council.

The Chief Executive Officer may delegate their media authority to a Council officer.

Media Releases, Responses and Interviews

Media releases, responses and interviews will only quote the Mayor, unless otherwise agreed by the Mayor in consultation with the Chief Executive Officer.

Photo opportunities may be arranged by the Communication unit in conjunction with a media release. Photo opportunities will usually only involve the Mayor, however where practicable all Councillors may be invited to appear in a photo opportunity. If a Councillor wishes to be involved they must advise the Communication unit. If unable to attend at the designated time, photo opportunities will not be re-scheduled to suit the availability of individual Councillors.

Media Briefings

A media briefing provides detailed information on a specific issue or project. Media briefings will be arranged on an as needs basis, as determined by the Chief Executive Officer or Communications manager.

In most instances the Mayor and or the Chief Executive Officer shall be the primary spokesperson/s. However, Councillor delegate/s and key experts, may be asked to attend.

All information disclosed during a media briefing is public record and can be used by a journalist.

Councillor's Own Media Relations

Councillors can express their independent views through the media; however, they must make it clear any comment is their personal view and does not represent the position of Council. Councillors must not pre-empt a Council scheduled media opportunities.

Where a Councillor deems necessary, as soon as reasonably practicable after a Councillor undertakes a media opportunity, they will notify Council's Communications Manager.

Any individual media opportunities must not contain Warrnambool City Council material or branding.

6.3 Social Media

Overview: Social media offers opportunities for dialogue between Councillors and the community and can lead to more effective communication and access to services. However, there are also significant confidentiality, governance, legal, privacy and regulatory risks relating to the use of social media.

Council's Social Media

Council's social media sites are managed by the Communications unit.

Responses to any questions asked to Council via social media will be coordinated through the Communications unit. Where appropriate, responses will come directly from either the Mayor or Chief Executive Officer and Communications unit will post the approved comment on their behalf.

Councillors engaging the community on Council's social media will ensure their contribution is accurate, appropriate, helpful and informative. They will correct any identified errors

immediately. If asked to remove materials pertaining to another person for privacy reasons, a Councillor will immediately do so.

Councillor's Own Social Media

If a Councillor has their own personal 'Councillor' social media site/s, they will include a prominent disclaimer that states the views are their own, and do not represent the position of Council.

Councillor own social media sites must comply with all relevant laws and regulations (especially those relating to identity and representation), respect competitors and detractors and adhere to the Council's confidentiality, legal and privacy guidelines. Councillors will be clear about their identity and any vested interests. Only publicly available information will be disclosed.

Posts by Councillors on their own social media sites shall be consistent with the principles detailed in this Code having due regard for other Councillors and Council officers.

Councillors will redirect enquiries for Council services through Council's customer request system and must not commit Council officers to actions or undertakings.

6.4 Council Publications and Advertising

All official Council publications and advertising will be coordinated and approved by the Communications unit, who retain editorial control (content and design). Councillors will not seek to direct officers in relation to the design, content or distribution of Council publications.

6.5 Council and Community Events

Event Roles

The Mayor is the primary Council representative for events. If the Mayor is unavailable, the Acting Mayor (if any) will become the primary representative or the Mayor will delegate the role to a Councillor.

Where there is a significant link to a Councillor as a committee representative or delegate, the Mayor may choose to delegate their role to the appropriate Councillor. Councillor delegates to committees will be notified of relevant events.

Council Civic Events

Council event protocols are overseen by the Chief Executive's office. The Mayor will undertake any official role, and the Chief Executive Officer or delegate will act as master of ceremonies (MC) if required.

Invitations for Council events will be issued from the Mayor. All Councillors will receive an invitation to Council organised or sponsored events.

Wording for plaques commemorating the opening of Council facilities will be approved by the Chief Executive Officer.

Ministerial Events

If Council has received significant State or Federal funding for a project, event or facility, the responsible Minister will be invited by the Mayor to officially launch the project. The letter of invitation to the Minister from the Mayor will be issued through the Chief Executive's office. The Mayor will host the visiting Minister, including the official welcome, and appropriate acknowledgements.

If a Minister advises Council of their intention to visit the municipality or host a media opportunity, the Chief Executive Officer will advise Councillors (in accordance with the Minister's embargo protocols).

Community/External Events

Councillors may receive invitations to speak at or attend external events.

Participation and any cost/reimbursement will be assessed in accordance with this Code of Conduct and 'Provision of Support & Resources to Councillor' Policy. The Chief Executive's office will coordinate event arrangements for Councillors.

A Councillor must not accept a speaking role at an event without notifying the Mayor. A Councillor must not offer Council resources (including advertising) to a community member, group or organisation.

Official Speeches

Speeches will be prepared by the Communications unit for the official Council role at civic and external events. Speeches will reflect Council's position and not include individual points of view.

If a Councillor speaking on behalf of the Council wants a speech to be altered, they will discuss changes with the Communications manager and a revised speech will be provided. Any inclusions must be consistent with Council's adopted position on a matter.

Councillor's Own Events

Councillors are able to conduct their own events but should make it clear the event is not a Council endorsed or organised event. No Council resources will be used in the promotion or conduct of such event.

A Councillor will notify their fellow Councillors and the Chief Executive Officer if they are planning an event or meeting.

Mayoral Chain

The Mayoral chain signifies the office of the Mayor. The Mayor may choose to wear it at official functions of the Council. The Chief Executive Officer will act as custodian of the chain and ensure its security.

Given the significant value, the chain is only to be worn at functions held at the Warrnambool City Council offices, Citizenship ceremonies, or where appropriate security measures are in place.

SECTION 7 – DISPUTE RESOLUTION

Overview: This section sets out the statutory requirements and internal resolution procedures for addressing any alleged contraventions of the Code of Conduct.

Councillors are accountable for their own conduct and will act in accordance with this Code of Conduct. Councillors will follow the dispute resolution procedures for addressing disputes and alleged contraventions of this Code of Conduct by a Councillor.

Councillors acknowledge that interpersonal differences and disputes (as distinct from allegations of contravention of the Standards of Conduct) may arise from time to time. Councillors commit to taking reasonable steps to resolve any interpersonal difference or dispute that arises without recourse to formal processes with a view to maintaining effective working relationships.

This dispute resolution procedure is intended to be used:

- when Councillors have been unable to resolve an interpersonal conflict and where the situation is unduly affecting the operation of the Council or
- to manage complaints or concerns regarding the behaviour of Councillors from the public or Council staff.

It is not intended to resolve differences in policy or decision-making, which are appropriately resolved through discussion and voting in Council and Committee Meetings.

A conflict or dispute may arise between two individual councillors, between one councillor and another or a group of councillors or between two or more different groups of councillors.

Where the dispute arises from a complaint generated by a member of the public or Council staff, access to the dispute resolution process under this Code is only possible where a Councillor or group of Councillors takes up the complaint about another Councillor on behalf of the complainant.

Councillors accept the following dispute resolution processes:

- Informal discussion
- Facilitated discussion
- Independent mediation
- Internal arbitration process.

Councillors recognise that the first, second and third phases are voluntary and that they are not obliged to agree to them but will endeavour to resolve allegations without resorting to the formal internal arbitration process.

7.1 Phase 1 - Informal discussions

Councillors will first consider discussing their interpersonal difference or dispute informally with a view to resolving it.

7.2 Phase 2 - Facilitated discussion

If Councillors are unable to discuss their interpersonal difference or dispute informally, or their informal discussions are unsuccessful, either party may ask the Mayor to facilitate discussions with a view to resolving the interpersonal difference or dispute.

The party requesting the direct negotiation meeting is to provide the Mayor with the name of the other Councillor and the details of the dispute in writing. The written request is to indicate that it is for a “facilitated discussion” dispute resolution process

The requestor is to notify the other party of the request and provide him or her with a copy of the written request either at the same time as it is provided to the Mayor or as soon as practicable thereafter.

The Mayor is to ascertain whether or not the other party is prepared to attend a “direct negotiation” meeting.

If the other party is not prepared to attend a meeting, the Mayor is to advise the requestor forthwith. No further action is required of the Mayor.

If the other party consents to a meeting, the Mayor is to convene a meeting of the parties at the earliest available opportunity. Unless one or both parties are unavailable, this should be within 7 working days of receiving the consent of the other party.

The role of the Mayor at the meeting is to provide guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor and the observation of the councillor conduct principles and the Councillor Code of Conduct.

The Mayor is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to external mediation or the internal arbitration process where the matter relates to an alleged contravention of the Standards of Conduct.

In the event that the dispute involves the Mayor, the Deputy Mayor or other Councillor nominated by Council resolution will perform the role of the Mayor in facilitating discussion between the parties in dispute and liaising with the Councillor Conduct Officer.

7.3 Phase 3 - Independent mediation

If self-resolution is unsuccessful or not possible, the use of mediation should be considered to resolve the dispute.

Mediation is where the parties are assisted to achieve a negotiated resolution by a qualified mediator, and can be used where:

- a respectful discussion on the issues is possible
- the parties feel safe
- a third person can assist discussions and innovative resolution
- maintaining control of the outcome is important
- an ongoing positive relationship is valued

The applicant is to submit a written application to the Councillor Conduct Officer setting out the name of the Councillor and the details of the dispute. The application is to indicate that the application is for an “independent mediation”.

Where the application relates to an alleged contravention of the Councillor Code of Conduct, the application must:

- specify the name of the Councillor alleged to have contravened the Code;
- specify the provision(s) of the Code that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the application is made by a group of councillors; and
- be signed and dated by the applicant or the applicant’s representative

The applicant is to notify the other party of the request and provide him or her with a copy of the application either at the same time that it is submitted to the Councillor Conduct Officer or as soon as practical thereafter.

The Councillor Conduct Officer is to ascertain (in writing) whether or not the other party is prepared to attend an “independent mediation”. If the other party declines to participate in mediation, he or she is to provide their reasons for doing so in writing to the Councillor Conduct Officer.

If the other party agrees to participate in mediation, the Councillor Conduct Officer is to advise the applicant, the Mayor and Chief Executive Officer forthwith.

The Chief Executive Officer is to engage the services of an external mediator to conduct the mediation at the earliest practicable opportunity.

The mediator is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to the internal arbitration process where the matter relates to an alleged contravention of the Standards of Conduct.

7.4 Phase 4 - Internal Arbitration Process

If the interpersonal difference or dispute cannot be resolved through the above processes, the Councillors will consider whether the conduct giving rise to the dispute constitutes a contravention of the Standards of Conduct. If they consider that it does, they may choose to pursue it as such under the formal internal arbitration process..

The internal arbitration process established under Division 5 of Part 6 of the Act applies to any breach of the prescribed standards of conduct.

An application for an internal arbitration process to make a finding of misconduct against a councillor may be made by:

- the Council following a resolution of the Council;
- a councillor; or
- or a group of councillors.

An application must be made within 3 months of the alleged misconduct occurring.

An application for internal arbitration³ must include:

- the name of the Councillor alleged to have breached the standards of conduct;
- the clause of the standards of conduct that the Councillor is alleged to have breached; and
- the misconduct that the Councillor is alleged to have engaged in that resulted in the breach.

After receiving an application under the Act (section 143), the Councillor Conduct Officer must provide a copy to the Councillor who is the subject of the application and submit the application to the Principal Councillor Conduct Registrar.

Principal Councillor Conduct Registrar must examine application

The Principal Councillor Conduct Registrar, after examining an application must appoint an arbiter to the Council to hear the matter if the Principal Councillor Conduct Registrar is satisfied that— (a) the application is not frivolous, vexatious, misconceived or lacking in substance; and
(b) there is sufficient evidence to support an allegation of a breach of the Councillor Code of Conduct as specified in the application.

If the Principal Councillor Conduct Registrar is not satisfied that these conditions have been met must reject the application.

The rejection of an application by the Principal Councillor Conduct Registrar under this section does not prevent a further application being made in respect of the same conduct by a Councillor that was the subject of the rejected application.

Responsibility of Arbiter

The Arbiter must conduct the hearing with as little formality and technicality as the proper consideration of the matter permits and ensure that the hearing is not open to the public.

The Arbiter—

- (a) may hear each party to the matter in person or solely by written or electronic means of communication; and
- (b) is not bound by the rules of evidence and may be informed in any manner the arbiter sees fit; and
- (c) may at any time discontinue the hearing if the arbiter considers that—
 - (i) the application is vexatious, misconceived, frivolous or lacking in substance; or
 - (ii) the applicant has not responded, or has responded inadequately, to a request for further information.

Sanctions that may be imposed by an arbiter on finding of misconduct

If after completing the internal arbitration process, the arbiter determines that a Councillor has failed to comply with the prescribed standards of conduct, the arbiter may make a finding of misconduct against the Councillor.

If an arbiter has made a finding of misconduct against a Councillor, the arbiter may do any one or more of the following—

- (a) direct the Councillor to make an apology in a form or manner specified by the arbiter;

³ Regulation 11, Local Government (Governance and Integrity) Regulations 2020

- (b) suspend the Councillor from the office of Councillor for a period specified by the arbiter not exceeding one month;
- (c) direct that the Councillor be removed from any position where the Councillor represents the Council for the period determined by the arbiter;
- (d) direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the arbiter;
- (e) direct a Councillor to attend or undergo training or counselling specified by the arbiter.

The arbiter must provide a written copy of the arbiter's decision and statement of reasons to—

- (a) the Council; and
- (b) the applicant or applicants; and
- (c) the respondent; and
- (d) the Principal Councillor Conduct Registrar.

A copy of the arbiter's decision and statement of reasons must be tabled at the next Council meeting after the Council received the copy of the arbiter's decision and statement of reasons and recorded in the minutes of the meeting. If the arbiter's decision and statement of reasons contains any confidential information, the confidential information must be redacted from the copy tabled.

ADOPTION OF CODE

This Code of Conduct was adopted by resolution of the Warrnambool City Council at a Council meeting held on 1 February 2021.

ENDORSEMENT

I hereby declare that I have read the Councillor Code of Conduct for Warrnambool City Council adopted on 1 February 2021 and agree that I will abide by this Code.



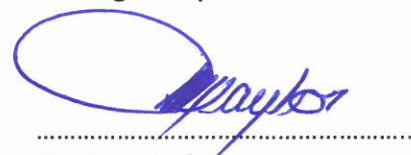
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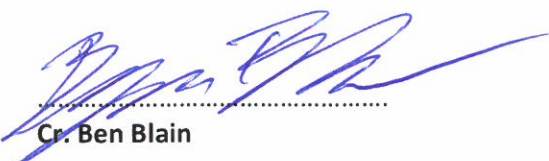
Cr. Angie Paspaliaris



Cr. Debbie Arnott



Cr. Max Taylor



Cr. Ben Blain



Cr. Richard Ziegeler



Cr. Vicki Jellie AM

