

MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

SPECIAL COUNCIL MEETING

HELD ON
TUESDAY 31 JANUARY, 2017
AT 4.00PM

IN THE COUNCIL BOARDROOM

COUNCILLORS:

Cr Dinny Adem (Mayor)
Cr Kim O’Keeffe (Deputy Mayor)
Cr Seema Abdullah
Cr Bruce Giovanetti
Cr Chris Hazelman
Cr Les Oroszvary
Cr Dennis Patterson
Cr Fern Summer
Cr Shelley Sutton

VISION

*A THRIVING ECONOMY IN THE FOODBOWL OF VICTORIA WITH
EXCELLENT LIFESTYLES, INNOVATIVE AGRICULTURE
A DIVERSE COMMUNITY AND
ABUNDANT OPPORTUNITIES*

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**CHAIR
CR DINNY ADEM**

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RISK LEVEL MATRIX LEGEND

Note: A number of reports in this agenda include a section on “risk management implications”. The following table shows the legend to the codes used in the reports.

Likelihood	Consequences				
	Negligible (5)	Minor (4)	Moderate (3)	Major (2)	Catastrophic (1)
Almost Certain (A) Event expected to occur several times per year (i.e. Weekly)	Low	Moderate	High	Extreme	Extreme
Likely (B) Will probably occur at some stage based on evidence of previous incidents (i.e. Monthly)	Low	Moderate	Moderate	High	Extreme
Possible (C) Not generally expected to occur but may under specific circumstances (i.e. Yearly)	Low	Low	Moderate	High	High
Unlikely (D) Conceivable but not likely to occur under normal operations (i.e. 5-10 year period)	Insignificant	Low	Moderate	Moderate	High
Rare (E) Only ever occurs under exceptional circumstances (i.e. +10 years)	Insignificant	Insignificant	Low	Moderate	High

Extreme CEO’s attention immediately required. Possibly avoid undertaking the activity OR implement new controls

High Director’s attention required. Consider suspending or ending activity OR implement additional controls

Moderate Manager’s attention required. Ensure that controls are in place and operating and management responsibility is agreed

Low Operational, manage through usual procedures and accountabilities

Insignificant Operational, add treatments where appropriate

PRESENT: Councillors Dinny Adem, Kim O’Keeffe, Seema Abdullah, Bruce Giovanetti, Chris Hazelman, Les Oroszvary, Dennis Patterson, Fern Summer and Shelley Sutton.

**OFFICERS: Peter Harriott – Chief Executive Officer
Steve Bowmaker – Director Infrastructure
Johann Rajaratnam – Director Sustainable Development
Chris Teitzel – Director Corporate Services
Kaye Thomson – Director Community
Maree Martin – Official Minute Taker
Peta Bailey – Deputy Minute Taker**

1. ACKNOWLEDGEMENT

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors.”

2. NOTICE TO GALLERY - LIVE STREAMING OF COUNCIL MEETING

Please note that this Council meeting is being streamed live and recorded in accordance with the Council’s Live Streaming and Recording of Council Meetings Policy.

All care is taken to maintain your privacy; however as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery it is assumed your consent is given in the event that your image is broadcast.

For more information the policy is available on the Greater Shepparton City Council's website.

3. APOLOGIES

Nil

4. DECLARATIONS OF CONFLICT OF INTEREST

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a “conflict of interest” in a decision if they would receive, or could reasonably be perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

5. CORPORATE SERVICES DIRECTORATE

5.1 Councillor Code of Conduct

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Councillor Support Assistant, Team Leader Governance

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

The *Local Government Act 1989* ("the Act") requires a Council to develop and maintain a Councillor Code of Conduct, which is required to be periodically reviewed.

The Councillor Code of Conduct:

- sets out the standards of conduct expected of elected representatives
- endeavours to foster good working relations between Councillors to enable them to work constructively together in the best interests of the local community
- mandates Councillor conduct designed to build public confidence in the integrity of local government.

Recent changes to the Act, in particular Section 76C(2), now requires Council to amend and adopt the Councillor Code of Conduct within the period of 4 months after a general election. Another notable change to the legislation is the need to include an internal resolution procedure for dealing with alleged contravention of the Councillor Code of Conduct.

It is important to note that the adoption of a Councillor Code of Conduct is not discretionary, and the Act clearly stipulates under Section 81AA the internal resolution procedure which the code must address.

Moved by Cr Hazelman

Seconded by Cr Oroszvary

That the Council:

1. formally acknowledge the review of the Councillor Code of Conduct
2. approve the amendments made to the Councillor Code of Conduct
3. adopt the Councillor Code of Conduct dated 31 January 2017 and revoke all previous versions.

CARRIED.

5. CORPORATE SERVICES DIRECTORATE

5.1 Councillor Code of Conduct (continued)

Background

Recent changes to the Act require Council to review the Councillor Code of Conduct and approve any amendments within the period of four months after a general election. The Act also stipulates that the Code must be approved at a special meeting called solely for that purpose, and that it must include an internal resolution procedure for dealing with an alleged contravention of the Code.

The Municipal Association of Victoria (MAV) has developed a model Councillor Code of Conduct to assist Councils. The amended Greater Shepparton City Council Councillor Code of Conduct has incorporated the suggestions provided by MAV, in addition to minor key elements which are specifically relevant to Greater Shepparton.

Council Plan/Key Strategic Activity

The Councillor Code of Conduct is consistent with the Strategic Objective No. 5.3 – Provide best practice management and administrative systems and structures to support the delivery of Council services and programs.

Risk Management

The review of the Councillor Code of Conduct is a statutory requirement under the Act. Identified risks have been detailed in the below table, all of which would result in a breach of legislation.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Councillor Code of Conduct is not adopted within the statutory timeframe	Unlikely	Major	Moderate	Councillors have been informed of statutory deadlines, consultation has taken place and the review has been conducted well ahead of the statutory deadline.
Councillor Code of Conduct does not comply with the Act (include an internal resolution procedure)	Unlikely	Major	Moderate	Councillors have been advised of statutory requirements and the Code is based on the MAV model.
Councillors refuse to make written declaration stating they will abide by the Councillor Code of Conduct	Unlikely	Major	Moderate	Councillors have been informed of statutory requirements and were all consulted during the review of the Code.

Policy Considerations

The review and adoption of the Councillor Code of Conduct does not conflict with any Council Policies.

5. CORPORATE SERVICES DIRECTORATE

5.1 Councillor Code of Conduct (continued)

Financial Implications

There are no Financial Implications associated with the review and adoption of the Councillor Code of Conduct.

Legal/Statutory Implications

Amendments to Section 76C(2) of the Act requires Council to review the Councillor Code of Conduct within four months of the general election. The Code has been reviewed within the statutory timeframe to meet Councils legislative requirements.

Environmental/Sustainability Impacts

There are no Environmental/Sustainability impacts associated with the review and adoption of the Code of Conduct.

Social Implications

There are no Social Implications associated with the review and adoption of the Councillor Code of Conduct.

Economic Impacts

There are no Economic Impacts associated with the review and adoption of the Councillor Code of Conduct.

Consultation

All Councillors have been consulted during the review of the Code of Conduct.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

The Councillor Code of Conduct does not conflict with the strategies contained in the Greater Shepparton 2030 Strategy

b) Other strategic links

No other strategic links have been identified

Conclusion

The Councillor Code of Conduct has been reviewed in accordance with the Act and is now ready for Council consideration / adoption.

Attachments

1. Councillor Code of Conduct Page 6
2. Track Changes - Councillor Code of Conduct Page 21

THE MEETING CLOSED AT 4.05PM