



MANSFIELD SHIRE

**COUNCILLOR CODE OF CONDUCT
AND
COUNCILLOR CHARTER
2017**

**Adopted and signed by Council at its Special meeting
held on 21 February 2017.**



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1. Purpose

This Code of Conduct and Charter sets out the professional standards that we, as Councillors, will attain at all times. It is an expression of intent about how we will achieve the highest levels of good governance, so that we meet all aspects of the *Local Government Act 1989* and maintain public confidence in the integrity of Mansfield Shire Council.

Internal Resolution Procedures for responding to complaints of alleged breaches of this Code, along with a procedure for dealing with other matters of dispute between Councillors, are outlined in this Part 2.

2. Definitions

Act	means the <i>Local Government Act 1989</i> (as Amended).
Assembly of Council	means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be the subject of a decision of Council or subject to a function or duty of Council delegated to a person or a committee.
Bullying	means the councillor repeatedly behaves unreasonably towards another Councillor or Council officer and that behaviour creates a risk to the health and safety of that other person.
CEO	means the Chief Executive Officer appointed by Council under section 94 of the Act.
Chief Municipal Inspector (CMI)	means the Chief Municipal Inspector appointed by the Integrity Minister under Division 5, Part 3 of <i>the Public Administration Act 2004</i> to carry out the functions prescribed by section 223A and B of the <i>Local Government Act 1989</i> .
Code of Conduct or Code	means the Mansfield Shire Councillor Code of Conduct, adopted by Council on 28 June 2016.
Complaint	means a grievance, made in writing to the Mayor or the Principal Conduct Officer concerning a potential breach of this Code of Conduct.
Complainant	means the person who lodges a complaint of an alleged breach of this Code of Conduct, whether it be a fellow Councillor, Chief Executive Officer, Mansfield Shire Officer or Contractor or a member of the public (including people representing other stakeholders, associations or government department).
Conduct Inconsistent with the Code	means alleged or proven behaviour that breaches this Code of Conduct.



Council	means Mansfield Shire Council, being a body corporate constituted as a municipal Council under the <i>Local Government Act 1989</i> .
Councillors	means the individuals elected to hold the office of a member of Mansfield Shire Council, who have taken the Oath of Office and who have signed a declaration that they abide by this Code in the presence of the Chief Executive Officer under Section 63(1) of the Act.
Councillor Conduct Panel	means the panel appointed by the Principal Councillor Conduct Registrar to hear an application relating to misconduct or serious misconduct or a request by way of Council resolution for the appointment of a panel.
Council Officer	means a natural person, including the Chief Executive Officer, employed by Mansfield Shire Council, including contractors.
Dispute	means a circumstance in which two or more Councillors, or a Councillor(s) and the CEO, cannot agree to resolve an interpersonal conflict between themselves.
External Arbitrator	means the person appointed by Council to consider alleged violations of the Code of Conduct under section 81AA of the Act, to implement the External Arbitration procedure and provide Council with a report on findings and recommendations.
Gross Misconduct	means behaviour that demonstrates that a Councillor is not of good character or is otherwise not a fit and proper person to hold the office of Councillor.
IBAC	Independent Broad-based Anti-corruption Commission of Victoria
Internal Resolution Procedure	means the process required under section 76(3)(a) of the Act to address conduct that is in breach of this Code of Conduct.
Misconduct	means a failure to comply with Council's internal resolution procedure, failure to abide by a written direction given by Council under section 81AB in relation to a breach of this Code, or repeated breaches of this Code.
Municipal Monitor	means a person appointed by the Minister under section 223CA to carry out the functions of sections 223CB and CC of the Act.
Panel	means a Councillor Conduct Panel appointed under 81B of the Act.
Principal Conduct Officer	means the Officer appointed by the CEO under section 81Y of the Act to carry out the functions of section 81X in relation to the implementation and conduct of the internal resolution procedures outlined in this Code and the provision of assistance to the Principal Councillor Conduct Registrar in the performance of the functions of section 81T of the Act.

**Principal Councillor Conduct Registrar**

Means the natural person appointed by the Secretary of the Department of Environment, Land, Water and Planning to carry out the functions prescribed by section 81T of the Act - administration of councillor conduct panels and appeals of panel decisions.

Sanctions

means the action or penalty to be applied to a Councillor(s) in the event that an allegation regarding a breach of this Code, misconduct, gross misconduct or serious misconduct is confirmed through:

- an internal resolution procedure for a breach of this Code of Conduct as resolved by Council; or
- any Councillor Conduct Panel; or
- the Victorian Civil and Administrative Tribunal; or,
- an Order in Council requested by the Minister.

Serious Misconduct

means:

- failing to attend a Councillor Conduct Panel; or
- failure to assist the Panel; or
- continued or repeated misconduct after a finding of misconduct has been made of the Councillor by a Panel; or
- bullying of another Councillor or member Council staff; or
- conduct of a Councillor in contravention of section 76E through inappropriate direction and improper influence over a member of Council staff; or,
- the release of confidential information in contravention of section 77 of the Act.

VCAT

means the Victorian Civil and Administrative Tribunal, the body responsible for hearing allegations of gross misconduct under the Act.



PART 1 CODE OF CONDUCT

3. Legislation

As Councillors, we are aware that the *Local Government Act 1989* (the Act) sets clear parameters and requirements to oversee the conduct of all that we do while performing our duties as the elected Council of the Mansfield Shire.

This includes the requirement under section 63 that as Councillors we all read this Code of Conduct and sign a declaration within one month of its adoption by Council, witnessed by the CEO, that we will abide by it at all times. We acknowledge that a failure to do so will become a ground for disqualification as a Councillor.

Division 1A of Part 4 of the Act sets the standards to be met in terms of our conduct. Section 76C of the Act prescribes the things that must be included in this Code.

We also acknowledge the importance of acting in accordance with Council Policy at all times. Of particular relevance to this Code of Conduct are the following Mansfield Shire Council internal policies:

- Councillor Expenses and Resources Guidelines (2005)
- Equal Opportunity and Human Rights Policy and Procedures (February 2015)
- Fraud Prevention and Control Policy (December 2015)
- Gifts, Benefits and Hospitality Policy (December 2015)
- Information Security Policy (February 2015)
- Media and Communications Policy (May 2014)
- Privacy and Data Collection Policy and Procedures (November 2015)
- Procurement Policy and Procedures (December 2016)
- Protected Disclosure Policy and Procedures (April 2014)
- Complaints Resolution Policy (2016)
- Records and Information Management Policy and Procedures (March 2015).



4. Our Commitment to Good Governance

Our Council Plan 2013-17 clearly states the Aim of this Council is:

“To work with our community to continue to build a Shire that is recognised for its balanced economic, social, and environmental development that, in turn, acknowledges the diverse needs and values of our communities.” (pg 3)

The Good Governance theme provides a foundation for our Council Plan, in that:

“Council will do all that it can to represent its community to the best of its ability, and to act at all times with integrity and openness.” (pg 12)

5. Our Commitment to the Act’s Councillor Conduct Principles

We endorse, and agree to abide by, the Councillor Conduct Principles specified in sections 76B and 76BA of the Act at all times by:

- acting with **integrity**; and
- **impartially** exercising our responsibilities in the best interests of the local community; and,
- **not improperly seeking to gain** an advantage or disadvantage on any person.

We are also strongly committed to ensuring we will:

- **strive to foster** sound and productive working relationships with the CEO and Shire staff, recognising the separation between the role of a Councillor and the administration; and
- **avoid conflicts** between our duties as a Councillor and any personal interests and obligations; and
- **act honestly** and avoid actions or statements (whether oral or in writing) that will or are likely to mislead or deceive a person; and
- **treat all persons with respect and have due regard to the** opinions, beliefs, rights and responsibilities of other Councillors, Council officers and other persons; and
- **exercise reasonable care and diligence**, whilst submitting ourselves to public and legal scrutiny; and
- ensure that public **resources** are **used prudently** and **solely in the public interest**; and
- **act lawfully** and in accordance with the trust placed in us as an elected representative; and,
- support and promote these principles by leadership and example acting in a way that secures and **preserves public confidence** in this office.



6. Use of Council Information

We acknowledge that we will comply with our obligations under section 77 of the Act in relation to confidential briefings or information (as defined under the Act), recognising that this obligation extends to ensuring the safekeeping of confidential information.

In undertaking all our duties we will treat information appropriately, by:

- ✓ not using information we gain through being a Councillor for any purpose other than to exercise our role;
- ✓ respecting Council policy in relation to public comments and communications with the media;
- ✓ not releasing information deemed 'confidential information' in accordance with section 77 of the Act, which we recognise is now an offence under the Act carrying a maximum penalty of 120 penalty units; and,
- ✓ recognising the requirements of the *Privacy and Data Protection Act 2014* regarding the access, use and release of personal information.

We acknowledge that all requests made by Councillors for briefings from Officers or for access to information on Council files should be registered and reported via email.

Councillors seeking information / explanation or wishing to provide feedback on a matter should do so through an email to the CEO and relevant Manager. The response to the request is to be provided to all Councillors.

7. Use of Council Resources

We acknowledge that we are reliant on public funds alone and that this carries with it a heightened need to ensure that:

- ✓ there is adequate security over Council property, facilities and resources provided to us to assist in performing our role;
- ✓ we do not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate;
- ✓ we do not use public funds or resources in a manner that is improper or unauthorised; and,
- ✓ we will comply with the Councillor Resources and Expenses Guidelines at all times.



8. Acceptance of Gifts in Limited Circumstances

We will not accept gifts either in our role as Councillor or where it could be perceived to influence us in our role as a Councillor, except in circumstances where Council's Gifts, Benefits and Hospitality Policy (December 2015) allows us to do so, that is:

- ✓ where the gift would generally be regarded as only having a token value and could not be perceived to influence our actions as a Councillor; and
- ✓ where refusal may cause offence or embarrassment, in which case we will accept the gift on behalf of the Council and the gift becomes the property of the Council.

We will diligently report gifts that we have received in accordance with Council policy and inform the Governance Coordinator of gifts that we have declined to accept to ensure a complete record of gifts and hospitality is maintained at all times.

9. Guidelines for Councillors who are Prospective or Nominated Candidates in a State or Federal Election

The principles of conduct outlined in Section 76B of the Act require us to act honestly and to exercise reasonable care and diligence in performing the role of a councillor. It is an offence if we make improper use of our position or of information we acquire as a Councillor to gain or attempt to gain, whether directly or indirectly, an advantage for ourselves or any other person.

From time to time Councillors may wish to seek nomination as a candidate, or be an endorsed candidate, in a State or Federal Election. This has implications on our role as a Councillor.

Accordingly, we will abide by these guidelines to ensure we comply with the requirements of the Act at all times:

1. A Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a state or federal election (a Prospective Candidate), will, as soon as practicable, provide written advice to the CEO, who should then advise all Councillors.
2. A Councillor who is a Prospective Candidate, will declare his/her intended candidacy at a meeting of the Council as soon as practicable after notifying the CEO.
3. A Councillor who nominates as a candidate for a state or federal election (a Nominated Candidate), will apply for leave of absence from the council and this leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (Nomination Date) and conclude no earlier than the close of voting for the election. During this period, a Councillor who is on a leave of absence should not attend meetings of the council or otherwise act as a Councillor.
4. Any Councillor / staff relationship protocol which the council has in place in respect of the caretaker period prior to a council election, must be observed by a Nominated Candidate and this should apply from their Nomination Date until the close of voting



for the election.

5. A Council, upon receiving an application for a leave of absence from a Councillor who is a Nominated Candidate or who intends to become a Nominated Candidate, should approve that application.
6. A Councillor who is a Prospective Candidate or a Nominated Candidate, must take care to differentiate between his/her role as a state or federal election candidate and role as a Councillor when making public comment.
7. A Councillor who is a Prospective Candidate or a Nominated Candidate, must not use council resources, including council equipment and facilities in relation to his/her candidacy.
8. A Councillor who is a Prospective Candidate or a Nominated Candidate, must not use Council activities, including committee meetings and Council-related external activities in relation to his/her candidacy.

These guidelines deliberately draw a distinction between Prospective Candidates and Nominated Candidates because, as with council elections, candidates for state and federal elections only become actual nominated candidates a few weeks prior to the relevant election date.

Accordingly, the above guidelines recommend different treatment for Prospective Candidates and Nominated Candidates on the basis that some requirements are recommended as appropriate for Nominated Candidates during a formal election period which are not considered to be necessary prior to the formal election period.



PART 2 DEALING WITH ALLEGED BREACHES OF THIS CODE

10. Hierarchy of Alleged Breaches of Councillor Conduct Codes and Potential Consequences

As Councillors, we recognise that recent changes to the Act have set in place a formal hierarchy of conduct issues that define the nature of alleged breaches of conduct standards and the responsible authority for dealing with alleged misconduct, as follows:

Nature of alleged misconduct	Degree of seriousness of alleged misconduct under the Act	Authority responsible for investigating and deciding on the alleged misconduct
Breach of this Councillor Code of Conduct	Conduct that is inconsistent with the standards Council has set itself	Council – the Dispute Resolution Procedure outlined in this Code will be employed
<ul style="list-style-type: none"> Failure to comply with our internal resolution procedure Failure to abide by a decision of Council in relation to a breach once the Dispute Resolution Procedure has been followed Repeated breaches of this Code of Conduct or the Act's Councillor conduct principles 	Misconduct	Councillor Conduct Panel if an application is made: <ul style="list-style-type: none"> by way of a Council resolution; or by a Councillor or group of Councillors
<ul style="list-style-type: none"> Failure to comply with Councillor Conduct Panel process Bullying Improperly directing Council staff Releasing confidential information Repeated Misconduct 	Serious Misconduct	Councillor Conduct Panel if an application is made: <ul style="list-style-type: none"> by way of a Council resolution; or by a Councillor or group of Councillors; or the Chief Municipal Inspector
Behaviour that demonstrates a lack of character to be a Councillor	Gross misconduct	VCAT

We also acknowledge that the Act prescribes a series of consequences for misconduct as follows:

Authority responsible for investigating and deciding on the alleged misconduct	Findings of investigation by Authority	Consequence
Council through its Dispute Resolution Procedure	Breach of Code of Conduct	<ul style="list-style-type: none"> Apology Direction to be absent for up to two Council meetings Disqualification from being Council's representative where appointed to internal or external committees or bodies (up to 2 months) Disqualification from chairing a Council, Special Council, Advisory Committee or other specified meetings (up to 2 months)



Authority responsible for investigating and deciding on the alleged misconduct	Findings of investigation by Authority	Consequence
Councillor Conduct Panel	Remedial action required	<ul style="list-style-type: none"> - Mediation - Training - Counselling
Councillor Conduct Panel	Misconduct by a Councillor	<ul style="list-style-type: none"> - Reprimand - Apology required - Leave of absence (up to 2 months) - Ineligibility to be Mayor (up to 4 years)
Councillor Conduct Panel	Serious Misconduct by a Councillor	<ul style="list-style-type: none"> - Ineligibility to be Mayor (up to 4 years) - Reprimand - Apology required - Leave of absence (up to 2 months) - Suspension (up to 6 months) - Ineligibility to chair a special committee (up to 4 years)
VCAT	Gross Misconduct by a Councillor	<ul style="list-style-type: none"> - Disqualification (up to 8 years) - Ineligible to be a candidate (up to 8 years)
Minister for Local Government (Through the appointment of a Municipal Monitor under Section 223CA).	Governance deficiencies within Council	<ul style="list-style-type: none"> - Governance directive to a Council may be issued by Minister upon recommendation of the Municipal Monitor - If Council fail to comply with the directive the Minister can suspend or dismiss the Council
Minister for Local Government via an Order in Council (Following investigation by Municipal Monitor or the lodgment of a request for a Councillor Conduct Panel alleging misconduct or gross misconduct).	Councillor conduct that: <ul style="list-style-type: none"> - threatens a person's health and safety - obstructs council business - is not in keeping with the expected role of a Councillor 	<ul style="list-style-type: none"> - suspension while allegations are heard by conduct panel or VCAT - suspension (up to 6 months) - Councillor allowances to be withheld during suspension and not paid if serious or gross misconduct found.

11. Making a Complaint About an Alleged Breach of this Code

Who can make a complaint?

Complaints relating to Councillor behaviour or an alleged breach of this Code by any member of the public, including a member of an organisation or government department may be made directly to Council using the procedures outlined in Section 12.

It is noted, however, that there are other avenues for members of the public to use when seeking to make a complaint about Councillor behaviour, namely through the Victorian Ombudsman, the Independent Broad-based Anti-corruption Commission (IBAC) and the Local Government Investigations and Compliance Inspectorate (the Inspectorate).



All complaints relating to an alleged breach of this Code originating from a Councillor, group of Councillors, Council Officer or Council Contractor are to be made in writing to the Mayor or Council's Principal Conduct Officer. Should the complaint relate to the Mayor, then it must be forwarded to the Deputy Mayor and Council's Principal Conduct Officer. If the complaint relates to the Mayor and Deputy Mayor, the complaint must be forwarded to Council's Principal Conduct Officer.

What matters cannot be dealt with under this Code?

Electoral issues:

Complaints relating to alleged breaches of the Act in relation to:

- councillor eligibility
- electoral conduct
- conduct during the election period

cannot be addressed using the internal resolution procedure prescribed by this Code. Such matters are to be directed to the relevant authority, such as the Victorian Electoral Commission. People wishing to make a complaint in relation to these matters should either seek independent advice or discuss the matter with the CEO so that the appropriate authority may be identified.

Alleged criminal activity:

Should the complaint relate to an alleged crime, the matter must be immediately referred by the CEO to the Police for further investigation as it is not appropriate for such allegations to be investigated by the Shire.

Suspected corruption and protected disclosures (whistleblowers):

The *Independent Board-based Anti-corruption Commission Act 2011* includes a mandatory reporting requirement to IBAC where the Chief Executive Officer suspects corruption may be occurring. Any concerns or evidence that a Councillor(s) may be engaged in corrupt activities must, therefore, be directed to the Chief Executive Officer for action.

The *Protected Disclosure Act 2012* facilitates disclosures from staff and the public around improper conduct of Councillors and affords protections to the person(s) making the disclosure. Such disclosures are to be made in accordance with Council's Protected Disclosure Policy and directed to either Council's Protected Disclosure Officer or IBAC directly.

Council decisions:

Complaints relating to a Council decision or the way in which a matter has been handled by the Council as an entity (that is all of the Councillors) are to be made under Council's Complaint Resolution Policy, not under this Code of Conduct.

How do I make a complaint?

All complaints relating to an alleged breach of this Code must be made in writing to the Mayor or Council's Principal Conduct Officer via a letter or an email marked 'confidential'. If the alleged breach relates to the Mayor, the written notice must be forwarded to the Deputy Mayor or Council's Principal Conduct Officer.



Full contact details of the person making the complaint, including postal address, telephone number and email address must be provided. If there is more than one person making the complaint the name of the representative of the Complainants must be nominated.

The written complaint must be signed and dated by the Complainant(s).

All complaints will be dealt with in the strictest confidence, involving only those parties that are mentioned in the complaint and those officers or other persons required to support any investigation or mediation as specified by this Code and/or the Act.

What are the duties of a Complainant?

The Complainant(s) must provide as much information and detail as possible about the alleged breach so that the matter may be accurately and thoroughly investigated. Complainants should note that a copy of their allegation will be provided to the Councillor(s) that are alleged to have breached this Code.

Details regarding the alleged breach of the Code including:

- names of the Councillor or Councillors involved in the alleged breach;
- relevant date(s) and time(s);
- the circumstance(s), action(s) and/or event(s) which form the basis of their complaint;
- which aspect(s) of this Code are considered to have been breached; and,
- provision of documents or other such evidence to support the allegation.

In the first instance, all complaints will be handled through the Internal Mediation process.

The External Arbitration process will be employed should the Internal Mediation process fail or if the Mayor (or Deputy Mayor if the alleged contravention of the Code relates to the Mayor), after undertaking an initial investigation, considers that the External Mediation process is more appropriate given the nature of the alleged contraventions.

The Complainant(s), in alleging misconduct, agrees to discuss the matter with the Mayor, Council's Principal Conduct Officer or the appointed External Arbiter (as appropriate) and to co-operate with the investigation of the matter.

What will happen once the Complaint has been received?

The Mayor or Council's Principal Conduct Officer (whichever is relevant) will contact the Complainant by telephone within two (2) business days to acknowledge the receipt of the complaint and to have an initial discussion about the preferred course of action nominated by the Complainant.

A confidential letter will then be sent to the Complainant formally acknowledging the receipt of the complaint as soon as possible after this initial discussion has been held.



12. Dispute Resolution Procedures for Alleged Breaches of this Code of Conduct

There are two options that comprise our Internal Resolution Procedure, required under section 81AA of the Act, for investigating and responding to alleged breaches of this Code of Conduct.

Procedure 1 **Internal Mediation** facilitated by the Mayor (or if the matter involves the Mayor as a party, the Deputy Mayor).

Procedure 2 **External Arbitration** coordinated by the Principal Conduct Officer.

Both procedures are based on the principles of Natural Justice; that is, all parties will be given a fair hearing during the course of the matter and will be kept informed of the matter's progress both verbally and in writing.

Furthermore, the person(s) involved in conducting the dispute resolution process will be required to declare that they have no conflict of interest in the matter prior to instigating any of the procedures outlined in this section.

Procedure 1: Internal Mediation

This process will be overseen by the Mayor, unless the Mayor is a party referred to in the complaint, in which case the Deputy Mayor will undertake the duties of the Mayor as outlined in this Procedure.

The Chief Executive Officer will arrange for all administrative support, including meeting minutes, record keeping and other logistical support to be provided as required.

The Mayor may, at any time, seek guidance from the CEO and/or Principal Conduct Officer. Parties to the dispute will be informed by the Mayor of his/her intention to seek such advice.

Furthermore, the Mayor may request the attendance of the CEO at a mediation meeting but only with the prior written consent of all parties. The role of the CEO in this instance would be to augment the knowledge of the Mayor in relation to the requirements of the Act and this Code of Conduct and to explore options for the resolution of the complaint.

Legal representation must not be engaged by any party given this is a mediation process to be conducted in a relatively informal manner based on good faith between all parties.

The Mayor will implement the following Procedure within two (2) working days of the receipt of the complaint:

Step 1: Inform the CEO and the Principal Conduct Officer that a written complaint has been received.

Step 2: Telephone the Complainant to acknowledge the receipt of the complaint and to have an initial discussion with the Complainant. This task must be completed within two (2) working days of the receipt of the written complaint.



- Step 3: Send a confidential letter to the Complainant to formally acknowledge the receipt of the complaint and record the initial telephone conversation.
- Step 4: Telephone the Councillor(s) referred to in the complaint, as soon as possible, to inform them that they are the subject of a complaint and the nature of the matter.
- Step 5: Email the Councillor(s) involved to confirm receipt of the complaint and providing them with a copy of the complaint.
- Step 6: Undertake an initial review of the evidence provided by the Complainant.
- Step 7: Ascertain whether all parties are prepared to attend a meeting to discuss the Complaint. If all parties provide consent, arrange a suitable time and location for the meeting. Proceed to Step 8.
- Step 7A: Should the Councillor(s) responding to the matter decline to participate in this Internal Mediation process, they must outline their reasons to the Mayor in writing within two (2) working days.

The complainant shall be informed in writing of the Councillor(s) refusal to participate in the Internal Mediation process within two (2) working days.

- Step 7B: Refusal by the Responding Councillor(s) to participate in the Internal Mediation process

If the Councillor(s) responding to the complaint is/are not willing to participate in a joint meeting facilitated by the Mayor, the Mayor will inform all parties that the Complainant will be offered the option of escalating the matter to Procedure 2 – External Arbitration.

Should the offer of external arbitration be accepted by the Complainant, the Mayor shall inform the Councillor(s) responding to the complaint and request Council's Principal Conduct Officer to commence Procedure 2 – External Arbitration.

Should the Councillor/s responding to the Complaint also decline to participate in the External Arbitration process, the Mayor will refer the matter to the next available Council meeting, where a Confidential Item will be listed requiring Council to consider making a request for the appointment of a Councillor Conduct Panel to hear the matter.

All parties are to be informed both verbally and in writing of the decision to refer the matter to Council as a means of responding to the complaint and will be informed of Council's decision within two (2) working days.

- Step 8: Meeting with Parties

Information about how the meeting will be conducted may be provided to all parties either before, or at the commencement of, the meeting if the nature of the complaint is complex and/or more than one Councillor is involved.



The purpose of this meeting is to firstly provide all parties with an equal hearing and to explore possible means of resolving the matter, and secondly to ensure the complaint is not frivolous, vexatious, misconceived or lacking in substance.

Should there be insufficient evidence to support the complaint and a conclusion made that the behavior that was raised in the complaint does not represent a breach of this Code, a letter will be sent to all parties by the Mayor within two (2) business days outlining why this conclusion has been made and that no further action will be taken on the matter.

Equal opportunities for the Complainant and Councillors shall be given to express their viewpoints during the meeting. Should separate meetings with the parties be required, all must be conducted in a consistent manner.

Any agreements or resolutions reached at the meeting(s) must be recorded in writing and a copy provided to both parties within two (2) working days.

Should action be required by a party(ies), the timeframes for doing so must be outlined in this correspondence.

Step 9: Agreement by Parties

Once the parties come to an agreement at the meeting, or when any action required to resolve the dispute has been completed, the complaint will be considered to be closed.

If all parties agree in writing that the issue has been addressed, no further action is required.

Should broader actions be required to address the issues raised in the complaint (eg change to policy, staff/Councillor training or changes to protocols), clear timelines must be identified for their completion.

All parties must be informed in writing when the outstanding actions have been completed as a means of closing off the complaint process.

The Principal Conduct Officer must then be requested to close the file.

Step 10: Additional meeting(s)

Should the complaint not be resolved within one meeting a further meeting(s) may be arranged at the earliest possible convenience to all parties. All parties should receive written confirmation once agreement has been reached between parties as per Step 8.



Procedure 2: External Arbitration

This process will be overseen by the Principal Conduct Officer.

The role of the External Arbiter is to:

- facilitate the investigation and mediation of the matter between the Complainant and responding Councillor(s);
- maintain confidentiality around the proceedings at all times, including ensuring any meetings are closed to the public;
- consider applications alleging a contravention of this Code by a Councillor through holding as many meetings as required to fully investigate the matter;
- provide all parties to the matter with an equal opportunity to present their case;
- run the meeting(s) as he or she sees fit, with the aim of conducting them as informally as possible without affecting due process;
- consider requests from a party(ies) for legal representation at a meeting, providing a written decision outlining his/her reasons for either approval or refusal of such requests (note that if legal representation is permitted, it is on the basis that each party is to meet their own legal costs);
- submit a report to Council outlining the findings and any recommendations for action by Council in relation to the alleged contravention. A copy of this report is to be provided to Council and all parties at the same time.

Procedure

The following procedure will be implemented by the Principal Conduct Officer within two (2) business days without delay once the Mayor requests the commencement of the External Arbitration process:

- Step 1: Inform the CEO that a written complaint requesting External Arbitration has been received (without delay).
- Step 2: Telephone the Complainant to acknowledge the receipt of the complaint. This will be completed within two (2) working days of the receipt of the written complaint.
- Step 3: Send a confidential letter to the Complainant to formally acknowledge the receipt of the complaint and record the initial telephone conversation.
- Step 4: Telephone the Councillor(s) referred to in the complaint to inform them that they are the subject of a complaint and the nature of the matter.
Email the Councillor(s) involved confirming receipt of the complaint and providing a copy of the complaint.
- Step 5: Identify a suitably qualified External Arbiter to hear the matter.
- Step 6: Obtain a written statement from the identified External Arbiter that they have no conflict of interest in the matter.
- Step 7: Appointment of External Arbiter
Telephone the parties involved to inform them of the External Arbiter's name and qualifications/experience.



Follow up discussion with an email and provide two (2) working days for the parties to make a written objection to the appointment of the External Arbiter.

Step 7A: If an objection to the appointment of the External Arbiter is received and, upon review, considered valid, repeat Steps 5 – 7.

If the objection is not considered valid, confirm this (along with the reasons) with the objector by way of a telephone conversation.

Confirm the outcome in writing to the objector (and if necessary other parties if a new External Arbiter is to be found) within two (2) working days.

Inform the CEO and Mayor of the outcome.

Step 8: Provide a copy of the complaint, the process carried out to date and contact details for all parties to the appointed External Arbiter.

Step 9: Arrange a time for the External Arbiter to meet with the Complainant and respondent Councillor(s).

Inform all participants of the details of the meeting time and location in writing, noting that the Principal Conduct Officer will also be in attendance to oversee the implementation of this process and assist the External Arbiter as required.

Step 10: Actions after the Meeting

The Arbiter is to provide a copy of the findings, the reasons for these findings and any recommendations for action by Council to the Principal Conduct Officer, the Complainant and Respondent(s).

Should the Arbiter recommend action by Council (such as amendments to procedures/policies or the provision of training) the matter must be forwarded to the next available Council meeting for consideration by way of a confidential item on the Agenda.

Council, in considering the External Arbiter's findings, may decide to impose sanctions on the responding Councillor(s), as outlined in Section 13 of this Code.

Following the Council resolution, the Principal Conduct Officer shall ensure that the relevant action is taken and that all parties have been informed both verbally and in writing of Council's decision.

Step 11: All parties will be informed in writing once all aspects of the Council resolution have been complied with or completed, whichever is relevant, and the matter will be considered closed.



13. Resolution Procedure for Internal Disputes Between Councillors

As Councillors, we agree to use every endeavour to resolve any differences between ourselves in private and without causing disruption or adverse effects to our role or the function of Council.

The procedures outlined below are in accordance with section 76C(3)(b), which states the Councillor Code of Conduct may include procedures to settle disputes between Councillors.

We note that this procedure is not intended as a means of resolving differences in opinion on policy or decision making between Councillors. Such issues are to be resolved through debate and voting in Council and Committee meetings.

On the rare occasion where this is not possible we agree to follow the following procedure:

Step 1: Before commencing any formal dispute resolution process, those who are party to the disagreement will endeavour to resolve their differences in a courteous and respectful manner between themselves, recognising that they have taken the Oath of Office and sworn that they will represent the best interests of the community.

Should the parties be unable to resolve their differences, the Mayor must be informed as soon as possible.

Should the dispute involve the Mayor, the Deputy Mayor and CEO must be informed as soon as possible that a dispute exists.

Step 2: In the event of any dispute occurring where Councillors are unable to resolve interpersonal conflicts that have the potential to adversely affect the operation of the Council, the parties to the dispute will work with the Mayor and the CEO (at the Mayor's discretion) as a means of resolving the dispute.

Step 3: Should the dispute remain unresolved following Steps 1 and 2 being undertaken, the parties to the dispute agree to the appointment of an independent facilitator nominated by the CEO.

Prior to the facilitator being appointed all those involved in the dispute agree to co-operate and use their best endeavours to assist the independent facilitator when requested.

Those involved in the dispute will be provided with an equal opportunity for their concerns and issues to be heard by the independent facilitator.

All parties agree to abide by the findings and recommendations of the independent facilitator.



Step 4: In the event that a dispute cannot be resolved through application of Step 3 the Complainant has the ability to escalate the matter to the internal resolution process as set out in section 12. Having said that, as Councillors, we recognise our responsibility to attempt to resolve our differences prior to this action being taken and that the formal Dispute Resolution Process is only to be used as an absolute last resort.

14. Dealing with Internal Resolution Procedures During a Local Government Election Period

Complaints relating to an alleged breach of this Code cannot be actioned during the Local Government Election Period in the lead up to a general election. Furthermore, any matters that are being dealt with through the Internal Resolution Procedure will be adjourned as soon as the Election Period commences.

All parties to the matter will be informed in writing by the Mayor or Principal Conduct Officer (whichever is relevant) that the matter has been adjourned for the duration of the Election Period.

Should an Internal Resolution Procedure be adjourned and the Councillor(s) responding to the dispute is not reelected, the matter will be considered closed.

If the responding Councillor(s) is returned to Office, the matter may recommence.



PART 3 COUNCILLOR CHARTER

Being an elected Councillor is sometimes a complex task where there are competing interests, divergent viewpoints and sometimes conflicting objectives. As Councillors we recognise that the community has placed its trust in us.

This Charter defines the roles and responsibilities of the Council, the Mayor and individual Councillors. In doing so, this Charter is a key expression of our commitment to good governance on behalf of our community.

The standards of behaviour that will underpin how we interact with fellow Councillors, the Chief Executive Officer, Council staff/contractors and members of the public are also clearly set out.

In making these statements we will be better placed to keep each other, and ourselves, accountable.

This Charter is to be used as a frequent reference point not only for Councillors but anyone interacting with us, as it provides clarity about what we do and how we will go about doing it. This ensures we are accountable for our behaviour and that we continuously meet our legal responsibilities.

15. Our Role

The Act outlines the statutory roles and responsibilities we, as an elected Council, must perform.

In representing the community, we must ensure that we not only make decisions on behalf of the people who live in the Shire, but those who are ratepayers and those who conduct business within our Shire.

As individual Councillors we perform many more roles in our day-to-day duties as elected representatives of the community.

The set of principles that underpin how we will represent the interests of our community, whether it be through formal Council processes or as informally individual Councillors, are:

15.1 Providing Direction and Leadership

To achieve this we will:

- ✓ provide our community with strong, balanced community leadership;
- ✓ govern for the benefit of all of the Shire, not just that of the Ward which we represent;
- ✓ make informed contributions to setting the strategic direction of this Council through input into the development of the Council Plan and other key strategies;
- ✓ responsibly and diligently participate in the allocation of Council resources through the annual budget process and the development of a long term capital works and financial plan;



- ✓ improve the financial viability of the Council by ensuring that resources are managed in a responsible and accountable manner that best meets community needs;
- ✓ advocate to represent the interests and needs of the our community to other government agencies and all levels of government;
- ✓ encourage active participation in civic life across the community through open and inclusive Council meetings and providing a variety of avenues through which stakeholders can interact with Council.

15.2 Sustaining a Healthy, Inclusive Council Culture

To achieve this we will:

- ✓ continuously strive to demonstrate the highest levels of good governance as a means of building trust with our community, stakeholders and the Shire's Administration;
- ✓ keep each other honest and bound by this Charter by 'calling out' inappropriate Councillor behaviour;
- ✓ act to protect and enhance Council's reputation and integrity;
- ✓ respect and actively support the Mayor in undertaking his or her duties as defined by the Act and as the figurehead of the Council;
- ✓ respect the role of the Chief Executive Officer, recognising that it is his or her role to manage and direct the Administration, not ours.

15.3 Making Informed Decisions

To achieve this we will:

- ✓ actively promote ethical, inclusive and responsible decision making;
- ✓ make timely and informed decisions on behalf of our community;
- ✓ take into account the diverse needs and views of the local community;
- ✓ have regard to key Council strategies, as well as the long term and cumulative effects of our decisions;
- ✓ consult widely with our community to understand the breadth of views on key issues to inform the development of possible solutions/actions;
- ✓ openly consider and respect the advice of Council Officers and other experts;
- ✓ minimise the use of confidential items on Council agendas to maximise community participation in meetings and transparency in decision making;
- ✓ appoint Advisory Committees as a means of seeking independent external advice and additional expertise from our community on key issues.

15.4 Monitoring Council's Performance and Compliance

To achieve this we will:

- ✓ monitor Council's performance by reviewing progress in the delivery of the Council Plan, the annual budget and other key initiatives by the Shire's administration;
- ✓ ensure Council's performance is transparently and regularly reported to our community and the State Government through both formal and informal avenues (such as the Annual Report, Local Government Performance Reporting Framework, reports to Council on the progress of Council Plan initiatives, media releases, community meetings, ratepayer meetings);



- ✓ monitor our own performance by conducting annual self-evaluation and 360 degree feedback processes;
- ✓ ensure that the Chief Executive Officer has established robust and effective structures, systems and policies to achieve continuous legislative compliance across all areas of the Administration and to effectively mitigate risk.

15.5 Appointment & Appraisal of the Chief Executive Officer

We take the responsibility for appointing and monitoring the performance of the Shire's Chief Executive Officer seriously. It is also essential that all Councillors create and maintain a productive, open relationship with the CEO based on mutual trust and respect.

Council will undertake a thorough review of the CEO's performance on an annual basis on the anniversary of the CEO's appointment. We will also undertake a less intensive mid-year review.

Benchmarking to identify appropriate remuneration levels for the CEO, based on similar sized Councils, will be undertaken on an annual basis.

16. Our Standards of Behaviour

The Councillor Code of Conduct is a key means through which this Council expresses its commitment to ethical, lawful behaviour and the achievement of good governance.

We believe it is important to reinforce the principles underpinning the Councillor Code of Conduct by making some clear statements about the standards of behaviour both we as the Council, and our community, expect Councillors to demonstrate at all times.

Furthermore, we will promote and support the Shire's values, as expressed in the Council Plan, which are:

Respect

We will treat everyone with respect, recognising and valuing all viewpoints.

Integrity

We will work in an open and transparent way, ensuring our processes, decisions and actions are ethical, responsible and honest.

Inclusion

We recognise that there is diversity in the community and will strive to work and direct our resources and services in ways that will result in fair and equitable outcomes for all.

Accountability

We will accept full responsibility for all that we do, for the way in which we do it and for the outcomes, whether good or bad.

Empowerment

We accept that we are here to serve the community and will ensure that people's views are heard and acted upon where we have the capacity to do so.



16.1 Effective Communication

A Councillor's role is a complex one where we communicate with all kinds of people, groups and stakeholders in a variety of settings. Effective communication is, therefore, one of the key skills every Councillor must possess.

We also know that we must invest time communicating with each other as members of the Council if we are to achieve our desired level of efficacy and performance as a cohesive unit.

Accordingly, in relation to communication we will:

- ✓ ensure we dedicate time to fostering and maintaining open and honest relationships between Councillors throughout our term on Council;
- ✓ respect the role of the Mayor as the Council's spokesperson;
- ✓ demonstrate to the community that a group of diverse people representing a multitude of views and interests can work together as a cohesive unit working for the good of all our community;
- ✓ show respect to each other, to the CEO, Council Officers and all members of the public at all times;
- ✓ air our differences and any grievances with other Councillors in a private but open and mature way;
- ✓ respect and comply with any Council policies and procedures relating to the media.

16.2 Fostering Relationships with the Community and Other Stakeholders

Council must be an effective representative and advocate for the community. This requires us to develop effective relationships and networks with a wide variety of stakeholders.

In doing so we will:

- ✓ treat members of the community with respect and courtesy;
- ✓ always act impartially and with the interests of the wider community in mind;
- ✓ be open to different viewpoints;
- ✓ accept diversity within the community in terms of opinions, race, culture, religion, language, gender and abilities; and,
- ✓ clearly state that when expressing our own personal views on a matter that we are not representing the position of the Council and, furthermore, when making such comments we will not make derogatory, offensive or insulting comments about any person.

16.3 Respecting the Role of the Mayor

We will actively support the Mayor in performing his or her particular duties under the Act, which include the following functions:

- providing guidance to Councillors about professional standards;
- developing and maintaining productive relationships between Councillors;
- ensuring Councillor conduct principles, as prescribed by the Act, and all aspects of this



- Code of Conduct are adhered to at all times;
- being the principal spokesperson of the Council;
- carrying out civic and ceremonial duties of the office of the Mayor;
- chairing Council meetings.

16.4 Making Informed Decisions

We are committed to making effective and impartial decisions in the best interest of the Mansfield community.

To achieve this we will:

- ✓ actively and openly participate in the decision making process, whilst keeping an open mind and listening to the views of others prior to making a decision;
- ✓ share information with each other, and with relevant senior staff, so that the decision making process is efficient, effective and transparent to all;
- ✓ take all reasonable steps to ensure we will make ourselves informed of all relevant information prior to decision making;
- ✓ debate contentious issues without resorting to personal acrimony or insult, showing courtesy towards Council staff, community representatives and fellow Councillors;
- ✓ accept that decisions are based on a majority vote and that no Councillor can direct another Councillor on how to vote on any decision;
- ✓ foster an environment where frank and fearless advice is offered by the organisation and is received with respect;
- ✓ consider both the short and long term implications prior to making a decision; and,
- ✓ disclose any conflict of interest in any matter to be considered or discussed at a meeting of Council, an assembly of Council, Audit Committee or section 223 Committee and excuse ourselves from the meeting while the matter is being dealt with in accordance with the Act.

16.5 Our Relationships with Council Staff

As Councillors we recognise and respect that operational matters are entirely the domain of the CEO.

We acknowledge that the CEO's role is to manage interactions between ourselves and Council staff through the development and implementation of policies, practices and protocols. As Councillors, we are committed to adhering to such policies at all times. We also know that our community will be best served if there are strong and productive links between Council and the Shire's Administration.

We will foster our relationship with the Administration by:

- ✓ working as part of the Council team alongside the CEO and other senior members of staff;
- ✓ creating an environment of mutual respect and understanding between Councillors and Officers;



- ✓ acknowledging our role is one of advocacy and leadership rather than day to day operational or staffing matters;
- ✓ complying with section 76E of the Act in not seeking to improperly direct or influence members of Council staff;
- ✓ communicating issues of concern or requests for information through the CEO or the relevant departmental manager only; and,
- ✓ where we have interests outside of our role of Councillor and we require information or contact with Council Officers, we will clearly state that our contact is as a private citizen/business person not in our capacity as Councillor.

17. Key Governance Roles at Mansfield Shire Council

We believe it is important for this Charter to recognise and support key governance roles within Mansfield Shire Council as a means of clearly defining roles and responsibilities.

Mayor

The Mayor is the key spokesperson and figurehead for Council and plays an important role in providing guidance for Councillors and ensuring that we adhere to the Councillor Code of Conduct and Councillor Charter.

The Mayor is a mediator in disputes between Councillors and oversees the Internal Mediation procedure where a complaint is received that a Councillor(s) may have breached the Councillor Code of Conduct.

This role is also the key conduit between Council, Councillors and the Chief Executive Officer and, in turn, the Administration. Attachment 2 provides extracts from the Act in relation to the Mayor's role.

Council's Meetings Procedure and Common Seal Local Law 2016 gives the Mayor particular powers and duties as Chair of these meetings to ensure that they run effectively and efficiently, adhering to the Local Law's provisions.

Individual Councillors

Our role is essentially to represent the Mansfield Shire community to the best of our ability through participating in decision making processes and contributing to setting a strategic direction for the Shire. Section 65 of the Act outlines the specific requirements for individual Councillors. As Councillors, we must ensure that we comply with a variety of Council Policies and Procedures at all times, including adhering to this Councillor Code of Conduct and Councillor Charter. Attachment 2 provides extracts from the Act in relation to a Councillor's role.



Chief Executive Officer

The CEO is responsible for putting in place an organisational structure to deliver the Council Plan and other key strategic documents, as well as overseeing the day-to-day operations of the Administration of the Mansfield Shire Council.

Importantly, the CEO is charged with ensuring Council decisions are acted upon without undue delay and providing timely advice to Council, including Council's legal obligations. The Act specifies that the CEO plays an important role in supporting the Mayor and putting into place policies and procedures to promote appropriate interactions between Council, individual Councillors and Shire staff. Attachment 2 provides extracts from the Act in relation to the CEO's role.

Principal Conduct Officer

This Officer, appointed by the CEO under Section 81X of the Act, is responsible for assisting Council in the implementation of the internal resolution procedures under the Councillor Code of Conduct. This Officer must also support the role of the State Government's appointed Principal Councillor Conduct Registrar should a panel process be required to investigate a complaint about a Councillor(s) behaviour.

Protected Disclosure Officer

This person has authority, as appointed by the CEO, to be the contact person for anyone wanting to make an allegation of improper and corrupt conduct by a Council staff member, contractor or Councillor under the *Protected Disclosure Act 2012*. This Officer must then follow the procedures outlined in Council's Protected Disclosure Policy 2016.

Audit and Risk Advisory Committee

This Council appointed Advisory Committee draws upon local, independent expertise and is chaired by one of the external members. Its role is one of oversight and performance monitoring in relation to Council's financial management and risk management operations. Two Councillors sit on the Committee, which is supported by the Chief Executive Officer and the Finance and Information Services Manager.

Governance Unit

Council's Governance Unit is responsible for undertaking a multitude of tasks relating to governance and Council business. The team is responsible for preparing the Council Plan, Annual Report, council agendas and minutes, local laws, performance reporting, delegations and developing Council policies and to ensure Council is compliant with all relevant legislation.



18. Delegation of Authority to the Chief Executive Officer and Officers

Council delegates some decision making powers to the Chief Executive and other authorised (and suitably qualified) officers to ensure it concentrates on strategic issues and major decisions rather than day to day decision making.

In turn, the Chief Executive Officer is able to delegate his powers to appropriately qualified Officers senior officers as a way to ensure that day to day decisions are made efficiently and effectively.

A register of these delegations must be maintained by Council under the Act. Delegations are generally reviewed every 6 – 12 months, depending on the amount of legislative change that has been introduced by the State Government.

Council can also resolve that certain types of decisions must be considered through the Council meeting process, such as planning permit applications where there are a number of objectors.

19. Reviewing this Code of Conduct and the Councillor Charter

Council will review this Code and Councillor Charter within four months of a general election, as required by the Act, by calling a special meeting solely for the purpose of its review and approving any amendments determined as being necessary following the review. Periodic reviews of this Code and Councillor Charter will also be undertaken by Council, as required, following the same process.

Councillors acknowledge that they must sign a hard copy of Code and Councillor Charter within a month of its adoption, witnessed by the CEO. Failure to do so is grounds for disqualification under section 29(1) of the Act.



PART 4 DECLARATION

I declare that I have read, and will abide by, this Code of Conduct and Councillor Charter, and that I have signed this document in the presence of the Chief Executive Officer:

Signatures:

Cr Marg Attley *Witness:*
Alex Green
Chief Executive Officer Dated:

Cr Peter Olver *Witness:*
Alex Green
Chief Executive Officer Dated:

Cr Paul Sladdin *Witness:*
Alex Green
Chief Executive Officer Dated:

Cr Paul Volkering *Witness:*
Alex Green
Chief Executive Officer Dated:

Cr Harry Westendorp *Witness:*
Alex Green
Chief Executive Officer Dated:



Attachments

Attachment 1

SUMMARY OF CONFLICT OF INTEREST PROVISIONS LOCAL GOVERNMENT ACT 1989

A Councillor has a **direct interest** in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the Councillor would be directly altered if the matter is decided in a particular way.

This includes where there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms and where the Councillor, or together with a member or members of the person's family, have a controlling interest in a company or other body that has a direct interest in the matter.

A conflict of interest also exists where a Councillor has any of the **six types of indirect interest**, which are:

Close association	an indirect interest because of a close association with a family member, relative or member of the household who has a direct interest in the matter;
Indirect financial interest	an indirect financial interest, including holding shares above a certain value in a company with a direct interest in the matter;
Conflicting duty	a conflicting duty arising from having particular responsibilities to a person or organisation with a direct interest in the matter;
Applicable gift	receipt of an applicable gift or gifts from a person or organisation with a direct interest in the matter;
Interested party	a party to the matter by having become involved in civil proceedings in relation to that matter;
Residential amenity	where there is a reasonable likelihood that the person's residential amenity will be altered if the matter is decided in a particular way.



Attachment 2

EXTRACT FROM THE LOCAL GOVERNMENT ACT 1989 – ROLE OF MAYOR, COUNCILLORS AND THE CHIEF EXECUTIVE OFFICER

Role of Mayor and Councillors

Section 65 of the Act provides that the role of a Councillor is:

- (a) to participate in the decision-making of the Council; and
- (b) to represent the local 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.

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

- (a) consider the diversity of interests and needs of the local community; and
- (b) observe principles of good governance and act with integrity; and
- (c) provide civic leadership in relation to the exercise of the various functions and responsibilities of the Council under this Act and other Acts; and
- (d) participate in the responsible allocation of the resources of Council through the annual budget; and
- (e) facilitate effective communication between the Council and the community.

The role of a Councillor does not include the performance of any functions that are specified as functions of the Chief Executive Officer under section 94A of the Act.

Section 73AA of the Act describes the functions of the Mayor as including:

- (a) providing guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 65, and the observation of the Councillor conduct principles and the Councillor Code of Conduct by Councillors under sections 76B, 76BA and 76C; and
- (b) acting as the principal spokesperson for the council; and
- (c) supporting good working relations between councillors; and
- (d) carrying out the civic and ceremonial duties of the office of Mayor.

Functions of the Chief Executive Officer

Under Section 94A, the Chief Executive Officer is responsible for:

- (a) establishing and maintaining an appropriate organisational structure for the Council; and
- (b) ensuring that the decisions of the Council are implemented without undue delay; and
- (c) the day to day management of the Council's operations in accordance with the Council Plan; and
- (d) developing, adopting and disseminating a code of conduct for Council staff; and
- (e) providing timely advice to the Council; and
- (f) ensuring that the Council receives timely and reliable advice about its legal obligations under this Act and any other Act;
- (g) supporting the Mayor in the performance of the Mayor's role as Mayor;
- (h) 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 Accident Compensation Act 1985 or the Workplace Injury Rehabilitation and Compensation Act 2013; and
- (i) performing any other function or duty of the Chief Executive Officer specified in this Act or any other Act.