



Murrindindi
Shire Council

Councillor Code of Conduct



2017

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1. Why Murrindindi Shire Council has a Code of Conduct

As the seven Councillors democratically elected to represent our community as the Murrindindi Shire Council, we are committed to working together in the best interests of the people who live in our municipality, who conduct business here and those who visit.

The Local Government Act 1989 (the Act) sets clear standards for Councillor conduct. To ensure both Council and the community have a clear understanding of these requirements, section 76C of the Act requires all Councils to adopt a Councillor Code of Conduct.

This Councillor Code of Conduct is a declaration of how we will behave and interact with each other and our community, and in undertaking our decision making responsibilities. It details the standards of ethical conduct required of us as Councillors, it outlines the legislated requirements we must adhere to and the dispute resolution procedure for dealing with conflict and breaches of this Code of Conduct. This Code of Conduct is a key part of our commitment to governing the Murrindindi Shire effectively and adhering to the principles of good governance.

By formally agreeing to abide by this Code we are committing to carrying out our roles with the highest standard of conduct and behaviour and to represent the Murrindindi Shire community to the best of our abilities.

2. Our Values and Conduct Principles

2.1 Values and Behaviours

We commit to carrying out our roles as Councillors in accordance with the following values:

Collaboration

We will ..

- operate as a cohesive team,
- work together with the community through accessible and inclusive engagement
- strive to build effective working relationships

Stewardship

We will...

- endeavour to make careful and responsible decisions
- strive to make decisions that do not limit the opportunities or aspirations of those who follow in the future

Equity & Fairness

We will ..

- be fair, even-handed and impartial in our decision making and our dealings with others
- consider the merits of each case while upholding legislated requirements and ensuring consistency and justice in our decision making
- strive to ensure all have access to similar opportunities and experiences

Respect

We will ..

- respect the views, contributions, feelings, wishes and rights of others
- actively seek to understand others' experiences, ideas and perspectives
- embrace and appreciate diversity of origin, viewpoint, experience and lifestyle
- recognise the achievements of others

Accountability & Honesty

We will ..

- make our decisions openly and publicly whenever possible
- take responsibility for our actions and decisions
- honour our commitments
- act with integrity and honesty in all our dealings
- openly report our performance and acknowledge our mistakes

Leadership

We will ..

- represent and advocate for our community across a broad range of issues.
- establish a clear direction for the future of our Shire in partnership with the community
- raise the difficult issues and make the difficult decisions
- explore new ideas and review the way we do things

2.2 Conduct Principles

In accordance with the Act we undertake to:

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

More specifically as individual Councillors we will:

- a) avoid conflicts between our public duty as Councillors and our personal interests and obligations;
- b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- c) treat everyone with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, council officers and other persons;
- d) exercise reasonable care and diligence and submit to the lawful scrutiny that is appropriate to our office;
- e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- f) act lawfully and in accordance with the trust placed in us as elected representatives; and
- g) support and promote the above principles by leadership and example and act in ways that secures and preserves public confidence in the office of Councillor.

3. Roles and Relationships

3.1 Our Roles and that of the CEO

An understanding and agreement of the different roles within Council helps achieve good governance. In particular we accept and respect the role of the Mayor as leader of the Council and the role of the CEO as leader of the organisation. The key roles are outlined below:

Council	<p>Council, being the seven elected representatives, is responsible for setting the vision and strategic direction for the Murrindindi Shire. Council has a statutory responsibility to represent all the people that live, participate in and invest in the municipality through a formal decision making process. This includes the following (with reference to section 3D of the Act):</p> <ul style="list-style-type: none"> • Acting as a representative government by taking into account the diverse needs of the local community in decision making • Providing leadership by establishing strategic objectives and monitoring their achievement • Maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner • Advocating the interests of the local community to other communities and governments • Acting as a responsible partner in government by taking into account the needs of other communities outside the Murrindindi Shire • Employing and managing the CEO • Fostering community cohesion and encouraging active participation in civic life.
Mayor (or Deputy Mayor in the Mayor's Absence)	<p>The Mayor is responsible for the following (with reference to section 73AA of the Act):</p> <ul style="list-style-type: none"> • Being a leader and advocate for the community and principal Council spokesperson • Providing guidance to Councillors in relation to their role, conduct and working relationships, legislated responsibilities and the agreed principles under this Code of Conduct. • Carrying out the civic and ceremonial duties of the office of Mayor • Promoting and driving teamwork amongst Councillors and with Council Officers including the CEO

<p>Mayor (or Deputy Mayor in the Mayor's Absence) continued.</p>	<ul style="list-style-type: none"> • Sustaining partnerships and advocating for Council's interests, pursuing opportunities for the Council in line with strategic directions, policies and plans • Chairing Council Meetings, Special Council Meetings and Committee Meetings (where required) and encouraging the participation of Councillors in the decision making process • Ensuring that Councillors are all well informed on the key issues facing Council • Resolving disputes between Councillors <p>Council may resolve to appoint the person holding the position of the Deputy Mayor as Acting Mayor if there is a temporary vacancy.</p>
<p>Councillors, including Mayor and Deputy Mayor</p>	<p>The role of a Councillor is to act for the community and advocate on its behalf. Councillors collectively constitute our Council. As an individual a Councillor does not have any power to direct or bind the organisation to any actions or decisions.</p> <p>Councillors are responsible for the following (with reference to section 65 of the Act):</p> <ul style="list-style-type: none"> • Participating and being a representative of the local community in the decision making of Council • Contributing to the strategic direction of the Council through the development and review of key strategic documents of Council • Participating in the responsible allocation of the resources of Council through the annual budget • Considering the diversity of interests and needs of the community • Observing principles of good governance and acting with integrity • Providing civic leadership in ensuring Council is best performing its functions and responsibilities • Representing the entire Murrindindi Shire community and advocating on a broad range of issues • Facilitating effective communication between Council and the community. <p>The role of the Councillor does not include any of the functions of the CEO set under section 94A of the Act and outlined below.</p>
<p>Councillors acting as a delegate or representative of Council on Committees</p>	<p>Council nominates Councillors as its representative or delegate on committees of management, advisory committees, associations and boards annually. When acting as Council's representative Councillors will attend and contribute as required and report back to Council and the community at an Ordinary Meeting of Council.</p>

Chief Executive Officer	<p>The CEO is responsible for the following (with reference to section 94A of the Act):</p> <ul style="list-style-type: none"> • Working closely with Councillors to collaboratively provide leadership and direction for the organisation • Providing professional, relevant and timely information and reports to the Council and maintaining a close working relationship that supports the Mayor • Ensuring that the decisions of Council are communicated and implemented effectively and without delay • Providing the liaison between Council and Council Officers, and ensuring that appropriate procedures and policies are in place governing Officer and Council interaction • Establishing and maintaining the appropriate organisational structure for the Council • The day to day management of Council operations to achieve the objectives set in the Council Plan • Performing other functions or duties of the CEO specified in the Act or any other Act • Employing and managing Council Officers to carry out the legislative functions of Council and to implement Council decisions, within Council's financial capacity • Developing, implementing and promoting the Employee Code of Conduct • Fostering a positive culture within the organisation • Being the spokesperson for Council regarding all operational, administrative and procedural matters
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3.2 Our Relationship with the Community

We commit to fostering productive relationships between Council and our community through open communication, collaboration and engagement.

We respect that our community has high expectations of us as their representatives. We will seek to balance these expectations and the needs of the municipality as a whole.

3.3 Our Relationship with the Organisation

To ensure that high levels of cooperation and teamwork are maintained between Council and its Officers we commit to the following:

- Accepting that our role is one of advocacy, strategic direction and leadership rather than operational management and administration
- Respecting that the CEO is responsible for all operational matters
- Respecting the roles and responsibilities of all Council Officers
- Ensuring that all of our emails, phone calls, requests for information and meetings are directed to the Executive Management Team unless otherwise advised by the Executive Management Team
- Communicating courteously and respectfully and we expect the same behavior in return
- Not denigrating or undermining Council Officers, including in Council meetings, discussions with community members or communication exchanges
- Passing on any requests for service we receive on behalf of the community to the Executive Management Team and respecting that they will be actioned in accordance with ordinary customer service request processes
- Acting in accordance with Occupational Health and Safety, Human Rights and Equal Opportunity legislation.
- Promoting an environment of well being, committing to report to the CEO any acts or suspected acts of bullying, violence or discrimination.

3.4 Our Personal Interactions with Council and Officers

When dealing with Council in our private capacity (i.e. as a ratepayer, recipient of a council service or applicant for a permit) we will not seek any preferential treatment. We expect the same service standards as any member of the public and will respect the process in return.

We are also community members and may have interactions with Council Officers in our personal lives, through family, friendship, business and community involvement. In doing so we will maintain boundaries between personal and Council business, and commit to ensuring that our role as a Councillor does not impact our relationships outside of Council, and that our relationships do not impact our good judgment when undertaking our role as a Councillor.

4. Our Conduct

4.1 Use of Resources

We acknowledge that the resources provided to Councillors are publicly funded and with that comes a heightened responsibility to ensure they are used effectively and economically for the purposes they were provided.

It is our responsibility to ensure careful management of resources in our care and that adequate security is provided.

We will adhere with all Council policies in regard to use of IT equipment and services. We will not use Council resources including our email accounts, our phones, our laptops or the services of Council officers for private purposes. The Council provided internet service will not be used to access and/or download any material which is offensive or likely to be considered offensive, unlawful, or which may expose Council to risk or harm. Any email received by us via our Council email address which contains, explicit, discriminatory or unauthorised material will not be distributed and will be immediately deleted.

We will ensure that all claims for out of pocket expenses are legitimately related to our role. Any Council issued credit cards will be used for Council business only and in accordance with Council Policy.

4.2 Access to Council Information and Confidentiality

As Councillors we will be provided with relevant information to help make informed decisions and fulfil our duties, some of which will be made publicly available, or in some instances, remain confidential. Our access to information does not give us the right to disclose that information unless it is otherwise publicly available or deemed appropriate for public release by the CEO. We commit to only using the information gained by us for the purposes of undertaking our role as a Councillor.

We will only request information from the Executive Management Team or relevant Council Officer in order to gain a broader understanding of an issue that falls under our roles and responsibilities. We will do so openly and understand that what is communicated to one Councillor will be communicated to all.

We respect the right of the CEO to decline our request should it be deemed a breach of privacy, prejudice Council or any other person, and undermine legal privilege or in any other way be inappropriate.

We commit to upholding our obligations under section 77 of the Act in relation to confidential information. We will not disclose or use information deemed “confidential” under the Act, or communicated to us in a confidential briefing, marked confidential or could be reasonably considered confidential.

We also recognise that there are requirements under Privacy legislation that Council, including us as Councillors must abide by. This includes access to, and use and disclosure of personal information.

Information will be held by us appropriately whether it is in hard copy or electronic, with particular care regarding confidential information.

We acknowledge that the information provided through Councillor Briefing Sessions and Briefing Notes and the opinions expressed are to remain confidential. The intention of the Briefing Process is to ensure that we are given an opportunity to hear and discuss openly matters that may progress to a decision making process.

When our time as a Council representative is complete, we agree to return to the General Manager Corporate and Community Services all documents (both electronic and hard copy) received, sourced or created by us in undertaking our role as a Councillor. The knowledge and information gained by virtue of being a Councillor will be respected by us as community members into the future.

4.3 Conduct at Council Meetings

Council has in place the Governance Local Law 2 which governs the conduct of meetings (Ordinary and Special) and the use of the common seal.

We will comply with the Governance Local Law 2 and this Code of Conduct when participating in Council meetings and the decision making process.

We will act respectfully towards the Chair, fellow Councillors, and Council Officers and encourage community participation through the appropriate process.

4.4 Participation in Decision Making Processes

We are required as Councillors to make decisions in the best interests of the community. We agree to be open minded, equitable and transparent when making decisions that affect the rights of others and in accordance with 'natural justice' and do so to the best of our abilities.

To effectively support the decision making process we agree to:

- prepare by reading the information provided to us
- ensure that all relevant information is obtained and considered objectively
- attend and engage in the Councillor Briefing Process and any other assemblies of Councillors
- listen to everyone with an open mind
- be respectful of other opinions and allow open conversation
- take into account the input gathered from community consultation
- ensure we are aware of our legislated responsibilities
- not enter the decision making process with a pre-determined view.

We commit to the following when undertaking decision making:

- a) as far as possible our decisions will be made in the best interests of the entire Murrindindi Shire community
- b) our decision making will be as impartial, fair and equitable as possible
- c) our decisions will be made in a transparent manner, ensuring that the public is provided with clear and complete documentation in a timely manner
- d) we will hear all opinions in a respectful and courteous manner
- e) we will actively debate contentious issues without resorting to personal acrimony or insult. Always demonstrating respect to others even in their absence
- f) we will be consistent in our approach, act in good faith and be accountable for the decisions made

Council decisions result from a majority of Councillors voting in a particular way. We understand not all decisions are unanimous and sometimes the chairperson may be required to exercise a casting vote. We will accept and respect the decisions resolved and will not undermine those decisions in any way.

We acknowledge our duty to make informed and fair decisions for the community transcends any obligation to any person, party or group.

4.5 Further Statutory Conduct Requirements

4.5.1 Misuse of Position

We acknowledge the requirements under section 76D of the Act and will not misuse our position to gain advantage for ourselves or for any other person or to cause detriment to the Council or any other person.

4.5.2 Improper direction

We acknowledged the requirements under section 76E of the Act and we will not use our position, or seek to, improperly direct or influence Council Officers in the exercise of their duties or functions or to gain advantage for ourselves or others

4.5.3 Conflicts of Interest

Every now and then a Councillor's personal interests may overlap with a council activity or impact upon a Councillor's ability to impartially participate in the decision making process. The Act under sections 77A through to 79D outlines the types of interests and requirements that we must adhere to in declaration and absence from decision making.

We will be mindful of actual and possible perceptions of conflicts of interest. The decision of whether a conflict of interest exists sits with us individually. We will adhere with Council's Conflict of Interest Policy, ensure that we disclose any conflicts of interest and adhere with the requirements of the Act and Council's Governance Local Law 2.

4.5.4 Other Legislated Requirements

In addition to our requirements under the Act, we will adhere with all relevant laws and regulations including but not limited to:

Copyright Act 1968	Under this Act there are restrictions on publishing and republishing some works, we commit to adhering to these restrictions.
Charter of Human Rights and Responsibilities Act 2006	This Act protects certain human rights. We will in making decisions give proper consideration to these human rights.
Disability Discrimination Act 1992	This Commonwealth Act prohibits discrimination on the ground of disability. We commit to not doing anything to contravene this Act.
Equal Opportunity Act 2010	Under section 73 of this Act we as Councillors must not discriminate against another Councillor or a member/s of a Committee. Under section 102 we must not sexually harass another Councillor or a member of a committee.
Health Records Act 2001	We commit to ensuring that we do not do anything that causes Council to contravene any of the Health Privacy Principles outlined by this Act.
Occupational Health and Safety Act 2004	We will ensure that our behaviours and conduct does not affect Council's ability to discharge their duties under this Act and that employees are not exposed to risks to their health and safety.
Planning and Environment Act 1987	We will ensure that Council performs its obligations and functions under this Act lawfully as a Planning Authority and Responsible Authority.
Privacy and Data Protection Act 2014	We commit to abiding by the Information Privacy Principles contained in this Act.
Protected Disclosure Act 2012	We commit to adhering with our requirements under this Act and abiding by Council's Protected Disclosure Policy.
Racial and Religious Tolerance Act 2001	Under this Act we commit to not inciting hatred, serious contempt, revulsion or ridicule on the ground of race or religion.
Racial Discrimination Act 1975	Under section 18C we must not offend, insult, humiliate or intimidate another on the ground of race.

4.6 Gifts and Benefits

Offers of gifts or benefits from members of the public or organisations, whilst they may be genuine in nature, can give rise to actual or perceived conflicts of interest. We will avoid situations giving rise to the appearance that a person or body through the provision of gifts, benefits or hospitality of any kind is attempting to gain favourable treatment from an individual Councillor or from the Council.

In our role as a Councillor we will not solicit gifts or hospitality and we will not accept any offers of money. If any gift or hospitality (of any value) is received then we will immediately declare this to the CEO for inclusion in Council's gift register. Any offers of inappropriate gifts or hospitality will be reported to the CEO by us immediately.

Gifts received by us intended for Council will be passed onto the Mayor for acknowledgement and consideration.

4.7 Conduct during Election Period

We will abide by the Election Caretaker Period Policy, adopted by Council on 23 March 2016, which governs the actions of Murrindindi Shire Council and the Councillors during an election period.

5 Communications

We recognise that as representatives of the local community, we have a primary responsibility to be responsive to community views and to adequately communicate the position and decisions of Council.

We undertake to comply with Council's media policy and respect the functions of the Mayor and CEO to be the spokespersons for the Council in accordance with our policy.

We acknowledge that individual Councillors are entitled to express their personal opinions through the media. Where we choose to do so, we will make it clear that such comment is a personal view and does not represent the position of Council. We undertake to ensure that any communication is devoid of comments that could reasonably be construed as being derogatory, offensive or insulting to any person or which seek to undermine a decision or the decision making process of Council.

6 *Dispute Resolution Process*

Under section 81AA of the Act, we as Council must agree to an internal dispute resolution procedure for dealing with alleged contravention of this Code of Conduct by a Councillor. The dispute resolution process is also to be used where we have been unable to resolve a dispute or an interpersonal conflict amongst ourselves, or where a situation is unduly affecting the operation of the Council.

Disputes do not include differences of opinion in the decision making process. These should be dealt with through our obligations under the Governance Local Law 2.

Before commencing any formal dispute resolution, we agree to make every effort to resolve the matter amongst ourselves or as a collective. We will do so in a respectful and courteous manner. Where this is unable to be achieved the formal dispute resolution process will be followed.

Throughout the Dispute Resolution Process should a Councillor/s choose to engage legal representation then they do so at their own cost.

Phase One – Negotiation and Mediation

Situation	Key Actions	Responsible Authority
Concerns with behaviour demonstrated by a Councillor/s	We will: <ul style="list-style-type: none"> • Use “Councillor Only” time to respectfully and constructively raise the issues for discussion by the group • Use this opportunity to voice our opinions of the behaviours and seek to identify a way of resolving the matter 	Councillors
Conduct by a Councillor/s that is inconsistent with the Code of Conduct and requires intervention	<ul style="list-style-type: none"> • The Mayor is to be notified in writing, providing details of the alleged contravention, when it occurred and who it involved • If the matter is related to the Mayor then the Deputy Mayor will be notified and will progress the matter to the next stage (see below) • The Mayor will assess the information provided • The Mayor will initiate an in-house mediation process with the parties involved. This will give the parties an opportunity to be heard • The Mayor will provide a written summary of the discussion and any resolutions or next steps to all parties involved. 	Mayor

Phase One – Negotiation and Mediation continued.

Situation	Key Actions	Responsible Authority
<p>If the matter cannot be resolved by the Mayor, or relates to an alleged contravention of the Code of Conduct by the Mayor which cannot be resolved through other means</p>	<ul style="list-style-type: none"> • Councillor/s will notify the Principal Conduct Officer in writing providing details of: <ul style="list-style-type: none"> ○ The name of the Councillor/s making the notification (signed and dated) ○ The alleged contravention and the provisions of the Code of Conduct that are alleged to have been contravened ○ When it occurred and who it involved ○ The key contact if being notified by a group of Councillors • Where the matter does not relate to the Mayor the PCO will immediately notify the Mayor and CEO • Where the matter does relate to the Mayor the PCO will immediately notify the CEO • The PCO will provide a copy of the written notification to the Councillor/s who is the subject of the allegation • PCO will carry out an initial assessment and speak to any of the parties involved and provide them with an opportunity to be heard • The PCO can then make the decision to engage an external mediator. The mediation process will occur at a mutually agreeable time and place between all of the parties • The mediator will facilitate discussion between the parties and can provide suggestions to resolve the matters. Parties are not bound by these suggestions until a negotiated agreed outcome is reached • The mediator will send all parties and the PCO a written confirmation of the agreed outcome. 	<p>PCO</p>

Phase Two - Referral to an Independent Arbiter

Situation	Key Actions	Responsible Authority
<p>Failure by a Councillor to agree to a mediated agreed outcome or where mediation does not occur, or a mediated outcome is not reached.</p>	<ul style="list-style-type: none"> • Councillor/s to notify the PCO in writing providing details of: <ul style="list-style-type: none"> ○ The name of the Councillor/s making the notification (signed and dated) ○ The alleged contravention and the provisions of this Code of Conduct that are alleged to have been contravened ○ When it occurred and who it involved ○ The point of contact If being notified by a group of Councillors • Where the matter does not relate to the Mayor the PCO will immediately notify the Mayor and CEO • Where the matter does relate to the Mayor the PCO will immediately notify the CEO • The PCO will provide a copy of the written notification to the Councillor/s who is the subject of the allegation • PCO will undertake an initial assessment of the information provided by the Councillor/s and the mediator where applicable • The PCO will notify the parties of the proposed independent arbiter and allow them two working days to object • Once an agreement is reached on an arbiter the PCO will commence their engagement • The role of an independent arbiter is to meet with each of the parties at a mutually agreeable time and place, allow all to be heard and then make a determination and recommendations in resolving the matter • All parties, including the PCO will be given a written statement of the findings and any recommended sanctions • This statement and recommended sanctions will be reported to Council 	<p>PCO / Council</p>

Section 81AB of the Act specifies the available sanctions for a contravention of a Councillor Code of Conduct. Council, after considering the arbiters statement and proposed sanctions may give any or all of the following written directions to the Councillor:

- a) direct the Councillor to make an apology in a form or manner specified by the Council;
- b) direct the Councillor to not attend up to, but not exceeding, 2 meetings of the Council;
- c) direct that, for a period of up to, but not exceeding, 2 months commencing on a date specified by the Council, the Councillor—
 - i. be removed from any position where the Councillor represents the Council; and
 - ii. to not chair or attend any advisory committee or special committee meeting or an assembly of Councillors or any other meeting specified in the direction.

A direction given under subsection (1)(b) must be in respect of the next scheduled meetings of the Council after the direction is made. If a Councillor refuses to participate in the independent arbitration process they may be guilty of misconduct under the Act (see Phase Three)

Phase Three – Misconduct, Serious Misconduct or Gross Misconduct

Degree of seriousness	Key Actions
<p>Misconduct:</p> <p>Defined by the Act as being failure to comply with the resolution procedure as outlined in phase two, failure to comply with the written direction of Council under section 81AB or repeated contraventions of any of the Councillor conduct principles</p>	<p>Following a Council resolution, the PCO will contact the Principal Councillor Conduct Registrar and apply for a Councillor Conduct Panel</p> <p>Or</p> <p>An application can be made by a Councillor or group of Councillors directly to the Principal Councillor Conduct Registrar</p>
<p>Serious Misconduct:</p> <p>Defined by the Act as being failure to attend a Councillor Conduct Panel hearing, failure to provide the Councillor Conduct Panel with any requested information, failure to comply with an direction given by the Councillor Conduct Panel, continued or repeated misconduct following a finding of misconduct, bullying of another Councillor or a member of staff, improper direction and improper influence or the release of confidential information.</p>	<p>Following a Council resolution, the PCO will contact the Principal Councillor Conduct Registrar and apply for a Councillor Conduct Panel</p> <p>Or</p> <p>An application can be made by a Councillor or group of Councillors directly to the Principal Councillor Conduct Registrar</p>
<p>Gross Misconduct:</p> <p>Defined by the Act as being 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</p>	<p>Following Council resolution, the PCO will contact the Chief Municipal Inspector and request the matter be heard by Victorian Civil and Administrative Tribunal (VCAT).</p>

The Chief Municipal Inspector can request to VCAT or the Principal Councillor Conduct Registrar that a matter of misconduct, serious misconduct or gross misconduct be heard.

Any application made in relation to misconduct or serious misconduct must include the following:

- specify the ground or grounds for the application
- details of the circumstances, actions or inactions of the Councillor who is the subject of the application that are alleged as constituting misconduct or serious misconduct
- the particulars of any evidence of those circumstances, actions or inactions of the Councillor that are alleged as constituting the misconduct or serious misconduct
- specify any steps taken by Council to resolve the matter that is the subject of the application and the reason why the matter was not resolved by the taking of those steps; or
- if the Council did not take any steps to resolve the matter that is the subject of the application, the reason why the Council did not take any steps to resolve the matter
- if the application is made by the Council or a group of Councillors, state the name and address of the Councillor whom the Council has, or group have, appointed as representative of the Council or group.

7 Declaration and Review

7.1 Declaration

Section 63 of the Act requires that as Councillors we all read this Code of Conduct and sign a declaration that we will abide by it at all times. We must sign within one month of its adoption by Council and have it witnessed by the CEO (The declaration is provided in Attachment 1). Failure to do so is grounds for disqualification under section 29(1) of the Act.

7.2 Monitoring

We will undertake to meet at least every twelve months to reflect on and assess:

- Our behaviours
- Our delivery of our commitments and values
- Our observations of the Councillor Conduct Principles
- Our compliance with this Code of Conduct

The assessment will be made on the basis of each of us individually as Councillors and collectively as Council and will be reported to Council.

At the request of the Mayor, the CEO will engage a facilitator to assist with this process if required.

7.3 Review

The Act requires that the Councillor Code of Conduct be reviewed and adopted within four months of a general election.

The Councillor Code of Conduct may also be reviewed by us at any time if required due to legislative or administrative changes or by resolution of Council.

8 Definitions:

Act	The <i>Local Government Act 1989</i>
CEO	The Chief Executive Officer appointed by Council under section 94 of the Act.
Community	The whole of the Murrindindi Shire Community.
Council	Council refers to the seven Councillors elected to represent the Murrindindi Shire when they are acting in a formal decision making forum. Council can also mean the organisation.
Councillors	The seven Councillors elected to represent the Murrindindi Shire Council.
Council Officer	The CEO and / or staff of the Council as appointed by the CEO.
Principal Conduct Officer	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 of Conduct and provisions of assistance to the Principal Councillor Conduct Registrar in the performance of section 81T of the Act.
Principal Councillor Conduct Registrar	The person appointed by the Secretary of the Department of Environment, Land, Water and Planning to carry out the functions prescribed by section 81 of the Act - administration of Councillor Conduct Panels and appeals of panel decisions.

Attachment 1.

**Murrindindi Shire Council
Councillor Code of Conduct
Councillor Declaration**

Councillor Code of Conduct Review and Adoption Date: 22 February 2017

I, Cr [Insert Councillor Name Here] declare that I have read and will abide by the Councillor Code of Conduct reviewed and adopted on 22 February 2017.

Signed: _____
(Cr [Insert Councillor Name Here] signature)

Witnessed: _____
(Margaret Abbey, Chief Executive Officer)

Date: _____