



Alpine Shire

**SPECIAL COUNCIL MEETING
MINUTES**

**SPM 6 - 28 June 2016
Bright Council Chambers
5:00pm**



The **Special Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **28 June 2016** and commenced at **5:00pm**.

PRESENT

COUNCILLORS

Cr Ron Janas – Mayor
Cr Tony Keeble – Deputy Mayor
Cr Kate Farrell
Cr Jan Vonarx
Cr Peter Roper

OFFICERS

Mr Dave Barry – Chief Executive Officer
Mr Trevor Britten – Director Corporate Performance
Ms Heather Green – Director Sustainable Development
Mr Charlie Bird – Director Assets
Ms Leanne Williams – Manager Corporate Services

APOLOGIES

Cr John Forsyth
Cr Daryl Pearce



AGENDA

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1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS

The CEO read the following statement:

All Council meetings are filmed, with both video and audio being recorded.

Video recording is focused on Councillors and staff, while audio from the entire room is captured.

By speaking during question time, or at any time, you consent to your voice and any comments you make being recorded.

The entire recording will be live-streamed to the internet on Council's website www.alpineshire.vic.gov.au, and will also be made available online after the meeting. This is to improve access and transparency of Council decision making to our community.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, RECOGNITION OF ALL PEOPLE AND OPENING PRAYER

The CEO read the following statement:

The Alpine Shire Council acknowledges the traditional owners of the land we are now on.

We also acknowledge those people who have contributed to the rich fabric of our community and strive to make wise decisions that will improve the quality of life for all.

The Chief Executive Officer will read the acknowledgement of the traditional custodians, recognition of all people and opening prayer.

3 APOLOGIES

Cr John Forsyth

Cr Daryl Pearce

4 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

Nil



5 CHIEF EXECUTIVE OFFICER - DAVE BARRY

5.1.1 Councillor code of conduct review

File Number: 640.09

INTRODUCTION

Amendments made to section 76C of the *Local Government Act 1989* require council to review and adopt its Councillor Code of Conduct before 4 July 2016, at a special council meeting solely for that purpose.

Cr Vonarx

Cr Farrell

That Council:

- 1. Adopt the Councillor Code of Conduct (version 4) as attached, and sign and seal the document at the appropriate time in this meeting, providing the following deletions being made in the (version 4) document:*
 - a. Section 7.1 - Final dot point "Bear in mind that post-decision dissent weakens the Council in the eyes of the community and therefore will only express dissent if they are of the opinion that their accountability to constituents requires them to and this action is taken carefully and with respect."*
 - b. Section 9.2 - Final two paragraphs "Councillors will be provided with details of mobile phone usage and are required to declare that costs incurred relate to Council business, except for incidental personal use. Councillors will reimburse Council for personal use exceeding incidental use."*

Carried

BACKGROUND

The Councillor Code of Conduct (the Code) is a requirement of the *Local Government Act 1989* (the Act). The current Council approved its first version of the Code in September 2013, with an update in June 2014.

The update provided in this report is a requirement of the Act, as a result of amendments made by the *Local Government Amendment (Improved Governance) Act 2015*. This means that each council must review its Code by 4 July 2016, and again within four months after the next general election.

In addition to requiring the review, one of the key modifications necessary in the Code is to include an 'internal resolution procedure', including the use of an independent arbiter, to deal with alleged contraventions of the Code by a councillor.

The requirement for each councillor to sign a written statement to declare that they will abide by the Code (to be witnessed by the Chief Executive Officer) is also a new addition to the Act.



ISSUES

Council's existing Code provided for much of the requirements of the Act already, including an 'internal resolution procedure'. However, section 81AA now requires council to include an internal resolution procedure which includes the use of an independent arbiter. The inclusion of the use of an arbiter has been the major change required to the Code. Minor updates include:

- Roles of the Mayor and Councillors are now specified in the Act, and have been referenced within the Code.
- Including reference to both section 76D 'misuse of position' and 76E 'improper influence'.
- Updating the Election Period section to match the recently adopted Election Period Policy and Guidelines 2016.
- Updating the Committees section to remove the reference to councillor portfolios, as use of portfolios ceased in November 2014.
- Inclusion of definitions as updated in the Act.

POLICY IMPLICATIONS

The update to the Code is a requirement under section 76C of the Act, with all councils being required to update their Codes by 4 July 2016.

Compliance with the Act also aligns with the Alpine Shire Council Plan 2013-2017 in the following way:

Performance Focused Organisation: *Strategic Objective 5.4 - To ensure a high standard of governance; Strategy 5.4.1 - Provide good governance.*

FINANCIAL AND RESOURCE IMPLICATIONS

There are no costs to Council to undertake the review of the Code. A further update will be required within a period of four months after the next general election.

CONSULTATION

Proposed updates to the Code have been outlined with Councillors. No further consultation has been undertaken.

CONCLUSION

Councillors to consider the proposed amendments to the Code in line with legislative requirements, adopt the revised Code, and sign written declarations within one month of the adoption of the Code.



DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Chief Executive Officer
- Director Corporate Performance
- Governance Officer

ATTACHMENT(S)

- 5.1.1 Councillor Code of Conduct - version 4 (2016).

There being no further business the Chairperson declared the meeting closed at 5.20 pm.

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Chairperson