

CODE OF CONDUCT

# Councillor Code of Conduct

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23/02/2021	6	Adopted Version 6 – new additions from <i>Local Government Act 2020</i> .

# 1. TITLE

Alpine Shire Council: Councillor Code of Conduct.

# 2. INTRODUCTION

The Alpine Shire Council (Council) consists of seven Councillors who are democratically elected by persons enrolled to vote in the Alpine Shire in accordance with the *Local Government Act 2020* (the Act).

The primary role of the Council is to provide good governance in the municipal district for the benefit and wellbeing of the municipal community.

This role includes the Council:

- 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; and
- fostering community cohesion and encouraging active participation in civic life.

# 3. PURPOSE AND COMMITMENT

## 3.1 PURPOSE

Section 139 of *the Local Government Act 2020* (the Act) requires that Council:

- adopt a Councillor Code of Conduct (Code); and
- review and adopt the Code of Conduct within four months after a general election by a formal resolution of Council passed at a meeting by at least two-thirds of the total number of Councillors elected to Council.

All Councillors are required to ensure that they are conversant with, and comply with, the provisions of this Code of Conduct.

## 3.2 COMMITMENT

The Mayor, Deputy Mayor and Councillors commit to working together:

- in the best interests of the people of the Alpine Shire;
- to discharge their responsibilities to the best of their skill and judgment;
- constructively and in a manner that is consistent with Council's values.

This commitment will enable the achievement of the community and Council's shared vision:

*Providing outstanding opportunities for the Shire's residents and visitors through sustainable growth in balance with the natural environment.*

## 3.3 VALUES

The values of the Alpine Shire Council are:

<b>Accountable</b>	<b>We are accountable</b> and responsible for our decisions and actions, and the impacts of these on our community and the organisation
<b>Leadership</b>	<b>We demonstrate leadership</b> by being informed, applying innovative thinking and solutions and making fair and timely decisions in the best interest of our community and the organisation for now and the future.
<b>Productive</b>	<b>We are productive</b> by focusing on delivering efficient and high quality services and projects that respond to the needs and priorities of our community and the organisation.
<b>Integrity</b>	<b>We have integrity</b> by being committed, truthful and transparent in our decision making and our interactions with our community and the organisation.
<b>Nurture</b>	<b>We nurture</b> the relationships, contributions and strengths of our community and the individuals of the organisation.
<b>Engaged</b>	<b>We are engaged</b> with our community, and within the organisation, to build strong and effective relationships and inform our choices.

## 4. STANDARDS OF CONDUCT

The purpose of the Code of Conduct is to include the following standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors:

### 4.1 TREATMENT OF OTHERS

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

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

### 4.2 PERFORMING THE ROLE OF COUNCILLOR

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

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

### 4.3 COMPLIANCE WITH GOOD GOVERNANCE MEASURES

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

- a. any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- b. the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- c. the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act; and
- d. any directions of the Minister issued under section 175 of the Act.

### 4.4 COUNCILLOR MUST NOT DISCREDIT OR MISLEAD COUNCIL OR PUBLIC

In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council. A Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

### 4.5 STANDARDS DO NOT LIMIT ROBUST POLITICAL DEBATE

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.



## 5. COUNCILLOR CONDUCT AND BEHAVIOURS

*Councillors will at all times:*

- *act with respect, integrity and honesty; and*
- *be trustworthy and accountable.*

### 5.1 RESPECT

Councillors will treat all people with courtesy and respect, recognising that there are legitimate differences in opinions, race, culture, religion, language, gender and abilities.

Councillors must:

- Treat members of the community with dignity and ensure that neither offence nor embarrassment is knowingly caused.
- Treat fellow Councillors with respect, even when disagreeing with their views or decisions.
- Debate contentious issues without resorting to personal acrimony or insult.
- Ensure regular attendance at Council meetings and briefing sessions.
- Notify the relevant Council staff of their attendance or otherwise at Council meetings, briefing sessions and other Council sanctioned meetings and events.
- Act with courtesy towards Council staff.
- Avoid intimidating behaviour towards fellow Councillors, Council staff and the community.
- Listen to others with intent and without distraction or interjection.
- Turn off (or to silent) mobile devices when attending Council meetings, briefing sessions and other meetings and events.

### 5.2 INTEGRITY AND HONESTY

Councillors will always act with integrity and honesty.

Councillors must:

- Be honest in all dealings with the community, with other Councillors and with Council staff
- Always act with impartiality and in the best interests of the community as a whole
- Not act in ways that may damage the Council or its ability to exercise good government
- Exercise reasonable care and diligence in performing their functions as Councillors.

- Not make improper use of Council information.
- Comply with all relevant Federal, State or Local laws.

### 5.3 TRUST

Councillors recognise that theirs is a position of trust and that they will not misuse or derive undue benefit from the position.

Councillors must:

- Avoid conflicts of interest and comply with the relevant provisions of the Act and this Code of Governance relating to interests and conflicts of interest
- Not exercise undue influence on other Councillors, members of Council staff or members of the public to gain or attempt to gain an advantage for themselves.
- Maintain confidentiality.

### 5.4 ACCOUNTABILITY

Councillors recognise that they are accountable to the organisation and the community.

Councillors must:

- Monitor and report on their expenses.
- Report monthly on their portfolio responsibilities.

## 6. ROLES, RESPONSIBILITIES AND RELATIONSHIPS

### 6.1 KEY ROLES AND RESPONSIBILITIES

*Councillors accept:*

- *the role of the Mayor as the leader of the Council; and*
- *the CEO as the leader of the organisation.*

<p><b>Mayor or Deputy Mayor in the Mayor’s absence</b></p>	<p>Sections 18 and 19 of the Act outline the role and specific powers of the Mayor. In addition, the Mayor will be responsible for:</p> <ul style="list-style-type: none"> <li>• representing the Council as spokesperson and in welcoming politicians and distinguished persons;</li> <li>• providing leadership for Councillors;</li> <li>• ensuring compliance with this Code;</li> <li>• assisting individual Councillors to work together;</li> <li>• resolving disputes between Councillors;</li> <li>• chairing Council meetings, and committee meetings;</li> <li>• providing a conduit and managing the relationship between Councillors and the CEO and directors;</li> <li>• working with all Councillors and assisting them to achieve their goals and to use the authority of the position to suggest processes to tackle and resolve issues; and</li> <li>• keeping abreast of progress on key issues and keeping Councillors informed about those key issues.</li> </ul>
<p><b>Council</b></p>	<p>Section 8 of the Act outlines the role of a Council as being to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.</p> <p>A Council will achieve good governance if it performs its role in accordance with the overarching governance principles and supporting principles contained in section 9 of the Act.</p> <p>Council is responsible for:</p> <ul style="list-style-type: none"> <li>• making decisions;</li> <li>• making local laws as appropriate; and</li> <li>• employing and performance managing the CEO.</li> </ul>

	<p>Council's role includes:</p> <ul style="list-style-type: none"> <li>• acting as a representative government by taking into account the diverse needs of the local community in decision making;</li> <li>• providing leadership by establishing strategic objectives and monitoring their achievement;</li> <li>• maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;</li> <li>• advocating the interests of the local community to other communities and governments;</li> <li>• acting as a responsible partner in government by taking into account the needs of other communities; and</li> <li>• fostering community cohesion and encouraging active participation in civic life.</li> </ul>
<p><b>Councillors including the Mayor and Deputy Mayor</b></p>	<p>Section 28 of the Act outlines the role of a Councillor, and the matters which the Councillor must consider when performing that role.</p> <p>In addition, Councillors will also be responsible for:</p> <ul style="list-style-type: none"> <li>• strategic planning for the whole municipality and a sustainable future;</li> <li>• determining the financial strategy and allocating resources via the council budget;</li> <li>• representing ratepayers and residents;</li> <li>• advocating on a broad range of issues;</li> <li>• liaising and coordinating with other levels of government, non-government, community groups and the private sector;</li> <li>• facilitating community participation;</li> <li>• debating issues in an open, honest and informed manner to assist the decision-making process; and</li> <li>• participating in Council decision-making and activities in a way which supports the interests of the whole Alpine community.</li> </ul> <p>Individual Councillors do not have any decision making or purchasing authority.</p> <p>The role of a Councillor does not include the performance of any functions that are specified as functions of the CEO under section 46 of the Act.</p>

<p><b>Chief Executive Officer</b></p>	<p>Section 46 of the Act outlines the responsibilities of the CEO. In addition, the CEO is also responsible for:</p> <ul style="list-style-type: none"> <li>• working closely with Councillors to provide leadership and direction to the organisation;</li> <li>• liaising between the Councillors and the organisation;</li> <li>• establishing and maintaining an appropriate organisational structure for the Council;</li> <li>• ensuring that the decisions of the Council are implemented without undue delay;</li> <li>• ensuring that Councillors' requests are handled by the organisation without causing an excessive workload for officers and / or budget implications;</li> <li>• the day to day management of the Council's operations in accordance with the Council Plan;</li> <li>• fostering a positive culture within the organisation;</li> <li>• developing, adopting and disseminating a code of conduct for Council staff;</li> <li>• providing timely advice to the Council;</li> <li>• appointing, directing, managing and dismissing Council staff;</li> <li>• all other issues that relate to Council staff; and</li> <li>• being the spokesperson for Council on administrative and procedural matters.</li> </ul>
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## 6.2 MISUSE OF POSITION

Councillors acknowledge the requirements of section 123 and will not intentionally misuse their position to gain, or attempt to gain, directly or indirectly an advantage for themselves or for any other person or to cause, or attempt to cause detriment to the Council or another person.

A breach of section 123 of the Act is punishable by a maximum penalty of 600 penalty units and / or imprisonment for up to five years.

## 6.3 COUNCILLOR RELATIONSHIPS WITH COUNCIL EMPLOYEES AND IMPROPER INFLUENCE

Councillors will work as part of the Council team with the CEO and other Council employees. There must be mutual respect and understanding between Councillors and officers in relation to their respective roles, functions and responsibilities. For this team approach to be successful, Councillors must:

- Accept that their role is one of advocacy, policy development and leadership rather than management and administration.
- Acknowledge and accept that the Chief Executive Officer is responsible for employee matters.
- Request information and advice (other than calendar items, vehicle, and accommodation or conference / training bookings) through the CEO, Directors and other Councillors.
- Acknowledge the requirements of section 124 of the Act and not use their position, or seek to, intentionally direct, or seek to direct Council employees in the exercise of their powers, duties or functions..

A breach of section 124 of the Act is punishable by a maximum penalty of 120 penalty units.

## 6.4 COMMUNICATION

As representatives of the community, Councillors have a primary responsibility to be responsive to community views and to adequately communicate the attitudes and decisions of Council.

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

The Mayor, or the Deputy Mayor in the Mayor's absence, will be the only Councillors that may provide official comment to the media on behalf of Council.

The Mayor, or the Deputy Mayor in the Mayors absence, and the CEO will be the spokespersons for Council on all governance, advocacy, political and community issues. This includes:

- State-wide political issues affecting Local Government.
- Contentious local issues that impact the community that do not relate directly to the business of Council but to the representation of the community.
- Issues pertaining to policy and Council decisions.
- Issues relating to the strategic direction of the Council.

The CEO, or a nominated delegate, will be the spokesperson for Council on administrative and procedural matters.

## 6.5 SOCIAL MEDIA

Councillors need to ensure that the use of social media minimises exposure of Council and Councillors to legal and reputational risk.

When using social media Councillors need to have at the forefront of their minds their obligations under the Code of Conduct. The Code of Conduct applies to online activity in the same way it does to other written or verbal communications. This means three key things:

1. Be respectful
2. Be fair and open minded
3. Be accurate

Appendix 1 provides guidelines for Councillors on the use of social media.

## 6.6 APPOINTMENT AS COUNCIL REPRESENTATIVE TO COMMITTEES AND OTHER BODIES

As part of their representative role, a Councillor may be elected or appointed to represent Council on an external organisation such as a government committee or as a community representative on a particular group.

When appointed to represent Council on an external organisation, Councillors must:

- Clearly understand the basis of their appointment;
- Provide regular reports to Council on their activities and the activities of the external organisation;

## 7. DECISION MAKING

### 7.1 PARTICIPATION IN COUNCIL DECISION MAKING

*Councillors will:*

- *participate fully and openly in Council briefing sessions and meetings;*
- *ensure that they are fully informed on matters requiring a Council decision;*
- *focus on the issues not the people involved; and*
- *accept the final decision of the Council.*

Councillors are committed to making all decisions impartially and in the best interests of the whole community.

Councillors acknowledge that effective decision-making is vital to the democratic process and an essential component of good governance.

Councillors will:

- Actively and openly participate in the decision-making process, striving to be informed to achieve the best outcome for the community.
- Respect the views of the individual in the debate while accepting that decisions are based on a majority vote.
- Accept that no Councillor can direct another Councillor on how to vote on any decision.
- Adhere to the meeting procedures in Council's Governance Rules.
- Accept the collective decision of Council once it is made and ensure that they do not undermine or publicly denigrate the decision.

### 7.2 CONFLICT OF INTEREST

*Councillors will:*

- *comply with all the provisions of the Act and Council's Governance Rules in regard to conflict of interest;*
- *follow the principle of 'when in doubt' declare an interest.*

In making decisions impartially, Councillors recognise the importance of fully observing the requirements of the Act with regards to the disclosure of both general and material conflicts of interest as outlined in sections 127 and 128 of the Act, and in Council's Governance Rules.



In addition to the requirements of the Act, Councillors will:

- Give early consideration to each matter to be considered by the Council, delegated committee meeting, or at a Councillor briefing, to ascertain if a conflict of interest exists;
- Recognise that the legal onus to determine whether a conflict of interest exists rests entirely with each individual Councillor;
- Where a Councillor considers that they may be unable to vote on a matter because of a conflict of interest, they will notify, the Mayor or the Committee Chair, depending on whether the matter is to be considered by the Council, a delegated committee, or at a Councillor briefing, as well as the CEO.

## 8. INFORMATION

*Councillors will:*

- *treat all information they receive appropriately;*
- *not release confidential information to the public domain; and*
- *not misuse information in their possession.*

### 8.1 CONFIDENTIAL INFORMATION

Councillors acknowledge that they will comply with their obligations under section 125 of the Act with respect to confidential information.

Councillors will:

- Ensure the safekeeping and disposal of confidential information.
- Not release information deemed 'confidential information' in accordance with section 125 of the Act, or by the CEO in accordance with Council's Governance Rules.

### 8.2 ACCESS TO AND USE OF COUNCIL INFORMATION

Councillors will treat all Council information appropriately by:

- Not using information gained by virtue of their position as a Councillor for any purpose than to exercise their role as a Councillor;
- Respecting the Council's policies in relation to public comments and communications with the media;
- Not releasing information deemed 'confidential information' in accordance with section 125 of the Act, or by the CEO in accordance with Council's Governance Rules; and
- Recognising the requirements of the *Privacy & Data Protection Act 2014* regarding the access, use and release of personal information.

## 9. USE OF RESOURCES

*Councillors will:*

- *use Council resources for the conduct of their role as Councillors only;*
- *maintain and keep secure all Council provided resources;*
- *adhere to all Council policies relating to use of resources.*

### 9.1 COUNCIL RESOURCES

Councillors will exercise appropriate care and consideration in the use of Council resources.

Any use of Council resources must be in accordance with relevant Council policies.

Councillors will:

- Maintain adequate security over Council property, facilities and resources provided to them to assist in performing their role;
- Not use Council resources, including the services of Council employees, telephones or other plant and equipment, for electoral or private purposes, unless legally or properly authorised to do so and payment is made to Council where appropriate; and
- Not use public funds or resources in a manner that is improper or unauthorised including using their position as a Councillor to purchase goods on Council accounts.

Where Council provided resources are lost or damaged and require replacement the Councillor must inform the Mayor (or the Deputy Mayor where the Mayor is making the claim) and the CEO in writing of the circumstances surrounding the loss or damage and complete an incident report if required.

Lost or damaged resources will be replaced after the first incident only. The replacement of any resources after second and any subsequent incidents will be the responsibility of the Councillor.

### 9.2 TELEPHONES AND MOBILE EQUIPMENT

Councillors will use Council-provided telephones and other mobile, communication and computer equipment in accordance with the relevant Council policies and procedures.

### 9.3 COUNCIL PROVIDED VEHICLES

Council vehicles will be made available to Councillors to meet their transport needs in undertaking the legitimate business of Council.

Private use of a Council provided vehicle will only be permitted in accordance with the Councillor Expenses Policy made under section 41 of the Act.

## 9.4 ACCESS TO COUNCIL BUILDINGS

Every endeavour will be made to make meeting rooms at the Council offices in Bright available to Councillors to conduct Council business.

Councillors will be given priority use of the Mayor's Office.

All meeting rooms are used during the day by Council employees. If a Councillor requires the use of a meeting room a booking must be requested by contacting the CEO or their Executive Assistant. If a booking is requested at short notice Councillors must understand that the room may have already been allocated and an alternative venue, time or date will need to be considered.

Councillors have the same access to other Council buildings and facilities as any other member of the public, during business hours and on payment of the required fee or charge if the entry is for personal use.

## 10. EXPENSES

*Councillors will:*

- *adhere to all Council policies relating to reimbursement of expenses incurred while performing the duties as a Councillor.*

### 10.1 REIMBURSEMENT OF EXPENSES

The Councillor Expenses Policy adopted under section 41 of the Act establishes the out of pocket expenses that will be reimbursed to Councillors.

### 10.2 EXPENSE CLAIM DECLARATION

Councillors must ensure that:

- Council policy in regard to the claiming of out of pocket expenses is complied with.
- Only claims for expenses incurred while undertaking official duties as a Councillor or member acting on behalf of the Council are submitted for reimbursement.
- When submitting claims for out of pocket expenses or vehicle reimbursement use, Councillors must declare that the claim is accurate and relates strictly to Council business and activities.

## 11. CONFERENCE ATTENDANCE AND TRAVEL

Councillors may avail themselves of opportunities to undertake appropriate professional development (conferences, seminars, workshops and training sessions) that may be of benefit to the individual Councillor and Council as a whole.

Councillors will seek approval to undertake discretionary trips, interstate travel and attendance at conferences in accordance with the Councillor Expenses Policy established under section 41 of the Act.

## **12. GIFTS, BENEFITS AND HOSPITALITY**

Councillors must comply with the Councillor Gift Policy made under section 138 of the Act.

Councillors will not expect or seek to accept any gifts, benefits or hospitality either in their role as a Councillor or where it could be perceived to influence them in their role as a Councillor.

Councillors must ensure they follow all requirements of the Act and associated regulations regarding the statutory gift disclosure threshold (currently \$500), particularly as it relates to material conflicts of interest (s128), anonymous gifts not to be accepted (s137), and declarations in personal interests returns (ss132-134).

## 13. ELECTIONS

*Councillors understand that:*

- *Council resources, of any kind, must not be used in election campaigning;*
- *Council must not make 'significant' decisions as outlined in the Act;*
- *Councillors must comply with the Election Period Policy made under section 69 of the Act.*

### 13.1 ELECTION PERIOD

The election period is defined as starting at the time that nominations close on nomination day and finishing at 6pm on Election Day.

### 13.2 DECISIONS DURING THE ELECTION PERIOD

Councillors are required to comply with section 69 of the Act which prohibits the making of certain decisions during the election period.

Council may hold a scheduled Council meeting during the election period, and scope exists for Council to hold an unscheduled Council meeting but only in the most urgent or extraordinary circumstances or for any statutory processes that may arise.

### 13.3 ELECTORAL MATERIAL

Councillors understand that in the election period, the Council must not inappropriately publish or distribute electoral material. Also the resources of the Council must not be used to support the election of a Councillor or Councillors.

Councillors understand this to mean:

- No resources from the Council must be used by any Councillor to assist with his or her election campaign. This includes their Council supplied communications equipment. Where it is impractical to discontinue use of this equipment during this period, Councillors will reimburse Council for usage that exceeds normal usage levels.
- Councillors must keep their roles as Councillors separate to their roles as candidates. All activities to do with campaigning should be conducted outside the Council.
- Council will not publish or distribute any electoral material unless it only contains information about the electoral process.
- Media services and speeches that may be perceived as being electoral material will not be provided by the administration to individual Councillors during the election period.
- Councillors will not use the Council logo or stationery in any way that relates to the election.

Councillors note that these provisions do not preclude Council from publishing normal material, such as Annual Reports during this period.

## 14. COMPLIANCE WITH THE CODE

*Councillors will:*

- *adhere to this Code and their legislative responsibilities;*
- *identify and deal with any breaches of this Code;*
- *take responsibility for settling differences;*
- *work together to settle disputes;*
- *accept the outcome of the dispute resolution process; and*
- *not take the dispute to the press.*

### 14.1 INTERNAL ARBITRATION PROCESS

Councillors commit to complying with this Code.

Breaches of this Code will be dealt with under the internal arbitration process contained in section 141 of the Act.

Before referring an allegation of misconduct to the Principal Councillor Conduct Registrar, the Councillor/s who are parties to any disagreement concerning an alleged breach of the Code, with the assistance of the Mayor or Deputy Mayor will endeavour to resolve their differences by conducting an informal mediation in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.

In circumstances where informal mediation is unsuccessful, the Council following a resolution of the Council or a Councillor or group of Councillors may make an application in accordance with section 143 of the Act to the Principal Councillor Conduct Registrar.

An application must be made within 3 months of the alleged misconduct occurring and must include the following prescribed matters:

- a. the name of the Councillor alleged to have breached the standards of conduct;
- b. the clause of the standards of conduct that the Councillor is alleged to have breached;
- c. the misconduct that the Councillor is alleged to have engaged in that resulted in the breach;
- d. after receiving an application under section 143 of the Act, the Councillor Conduct Officer provides the application to the Councillor who is the subject of the application.

An application cannot be made during the Election Period.

Councillors may be legally represented at the arbitration with the consent of the arbiter.



## 14.2 ROLE OF COUNCILLOR CONDUCT OFFICER

The CEO must appoint a member of Council staff to perform the role of Councillor Conduct Officer.

The Councillor Conduct Officer must—

- a. assist the Council in the implementation of, and conduct of, the internal arbitration process of a Council;
- b. assist the Principal Councillor Conduct Registrar to perform the functions specified in section 149(1); and
- c. assist the Principal Councillor Conduct Registrar in relation to any request for information under section 149(3).

## 14.3 SANCTIONS WHICH MAY BE IMPOSED BY AN ARBITER

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

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

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

## 14.4 COUNCILLOR CONDUCT PANELS & VCAT – SERIOUS AND GROSS MISCONDUCT

Council or any individual Councillor may apply to the Principal Councillor Conduct Registrar for a Councillor Conduct Panel to consider an allegation of serious misconduct by a Councillor in accordance with sections 153-170 of the Act.

In accordance with section 171 of the Act, VCAT may hear an application made by the Chief Municipal Inspector that alleges gross misconduct by a Councillor. VCAT's powers in relation to a finding of gross misconduct are contained in section 172 of the Act.

## 15. OTHER LEGISLATIVE REQUIREMENTS

*Councillors will adhere to the requirements of all relevant legislative requirements including:*

- *public interest disclosures;*
- *equal opportunity;*
- *human rights; and*
- *occupational health and safety.*

### 15.1 PUBLIC INTEREST DISCLOSURES

The Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2012*.

Improper conduct by Councillors will not be tolerated nor will reprisals against any person who discloses such conduct.

Under the relevant legislation improper conduct means:

- a. corrupt conduct;
- b. conduct that if proved would constitute:
  - i. a criminal offence;
  - ii. reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of a public officer who was or is engaged in that conduct.

Including:

- dishonest performance of functions;
- knowingly or recklessly breaching public trust;
- misusing information or material acquired through performing functions;
- substantial mismanagement of public resources;
- substantial risk to public health or safety; and
- substantial risk to the environment.

## 15.2 EQUAL OPPORTUNITY

Council is committed to the principles of equal opportunity as established by the *Equal Opportunity Act 2010*.

Equal opportunity ensures that all people are treated fairly and decisions are not made on the basis of a race, age, sex, disability, marital status, parental status, career status, religious beliefs, political beliefs, industrial beliefs, lawful sexual activity, gender identity, sexual orientation or any other personal characteristics or on the grounds of association with another person on the basis of these matters.

Councillors will adhere to all relevant legislation and refrain from discriminating, harassing or bullying other people and using offensive language in their capacity as a Councillor. This type of behaviour by Councillors is not condoned and will not be tolerated.

## 15.3 OCCUPATIONAL HEALTH AND SAFETY

Councillors are required to:

- Comply with all requirements of the Council occupational health and safety management system.
- Work safely and not place at risk the health and safety of other Councillors, Council employees, contractors or the public.
- Wear appropriate protective equipment when required.
- Actively contribute to the hazard identification process.
- Encourage other Councillors to consider safety factors within the work environment.

The health and safety of Councillors is not the sole responsibility of the Council. It is also the responsibility of each individual Councillor to ensure both familiarity with, and observation of, workplace occupational health and safety requirements.

Subject to the terms and conditions of relevant legislation, all Councillors are covered by workers compensation insurance in the case of an accident or injury. If a Councillor has an accident conducting Council business, or experiences a near miss, or identifies a hazard (regardless of severity) the Councillor must inform the CEO immediately and complete an incident report.

## 16. ADMINISTRATION OF THE CODE

### 16.1 MONITORING

Councillors will undertake to meet at least once every 12 months to reflect on and assess:

- their behaviours;
- the delivery of their commitment;
- their observation of the Standards of Conduct; and
- their compliance with this Code.

The assessment will be on the basis of each individual Councillor and the Councillors as a group. The annual reviews will be conducted by the end of December each year.

At the request of the Mayor, the CEO will co-ordinate a facilitator to assist Councillors in undertaking this monitoring and review process.

### 16.2 ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change requiring amendments to be made to the Code.

If the amendments are minor in nature, relating to administrative matters, the Code may be updated by the administration.

Any amendments which materially alter the Code must be made by a formal resolution of Council passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council.

### 16.3 REVIEW

This Code will be reviewed after every general election in accordance with the requirements of section 139(4) of the Act. Council's Corporate department will coordinate the review and circulation of this Code.

## 17. CHARTER OF HUMAN RIGHTS

This policy has been considered in relation to the Victorian *Charter of Human Rights and Responsibilities Act 2006* and it has been determined that it does not contravene the Charter.

## 18. SUPPORTING DOCUMENTS

This Code should be read in conjunction with all other relevant Council policies, as well as relevant legislative requirements.

### Related Legislation

- *Local Government Act 1989 [Vic]*
- *Local Government Act 2020 [Vic]*
- *Charter of Human Rights and Responsibilities 2006 [Vic]*
- *Equal Opportunity Act 2010 [Vic]*
- *Occupational Health and Safety Act 2004 [Vic]*
- *Privacy and Data Protection Act 2014 [Vic]*

### Related Guidelines or Policies

- Council Documents and Policies required by the *Local Government Act 2020*:
  - Councillor Expenses Policy (section 41)
  - Councillor Gift Policy (section 138)
  - Election Period Policy (section 69)
  - Governance Rules (section 60)
- Other Council policies relating to:
  - Child Safety
  - Fraud and Corruption control
  - Media
  - Occupational Health and Safety

## 19. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Act	<i>Local Government Act 2020</i>
Arbiter	An Independent person appointed to hear an alleged breach of the Code.
Bullying	Where a Councillor repeatedly behaves unreasonably towards another Councillor or member of Council staff and that behaviour creates a risk to the health and safety of that other Councillor or member of Council staff.
CEO	Chief Executive Officer
Code	Councillor Code of Conduct
Conflict of interest	A general or material interest in a matter
Council	Alpine Shire Council
Councillor Conduct Officer	The person appointed in writing by the Chief Executive Officer to be the Councillor Conduct Officer for the Council under section 150.
Councillor Conduct Panel	A panel formed by the Principal Councillor Conduct Registrar under section 156 the Act.
General Conflict of Interest	An interest of a kind referenced in section 127 of the Act.
Gross misconduct	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 including behaviour that is sexual harassment and that is of an egregious nature.
Information	Includes letters, reports, documents, facsimiles, attachments, tapes or electronic media and/or other forms of information including verbal.
Material Conflict of Interest	An interest of a kind referenced in section 128 of the Act.

Term	Meaning
Misconduct	Any breach by a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct ;
Policy	Any policy adopted by Council from time to time.
Principal Councillor Conduct Registrar	The person appointed by the Secretary to be the Principal Councillor Conduct Registrar under section 148.
Resources	Includes all Council resources including property, facilities, mobile phones, computers, iPads, and motor vehicles.
Serious misconduct	<p>Means—</p> <ul style="list-style-type: none"> <li>a. the failure by a Councillor to comply with the Council’s internal arbitration process.</li> <li>b. the failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147;</li> <li>c. the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor;</li> <li>d. the failure of a Councillor to comply with a direction of a Councillor Conduct Panel;</li> <li>e. continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b);</li> <li>f. bullying by a Councillor of another Councillor or a member of Council staff;</li> <li>g. conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or a member of Council staff;</li> <li>h. the disclosure by a Councillor of information the Councillor knows, or</li> </ul>

Term	Meaning
	<p>should reasonably know, is confidential information;</p> <ul style="list-style-type: none"> <li>i. conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff; and</li> <li>j. the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with this Act.</li> </ul>
VCAT	Victorian Civil and Administrative Tribunal



## 20. APPROVAL

### 20.1 COUNCILLOR CODE OF CONDUCT (VERSION 6)

THE COMMON SEAL OF THE ALPINE SHIRE COUNCIL was hereunto affixed this 23<sup>rd</sup> day of February 2021 in the presence of:

The common seal of Alpine Shire Council was applied by resolution at the Special Council Meeting held on 23 February 2021. A copy of the signed and sealed document is held in Council's records.

.....  
COUNCILLOR

.....  
SIGNATURE

.....  
COUNCILLOR

.....  
SIGNATURE

.....  
CHIEF EXECUTIVE OFFICER

.....  
SIGNATURE

All Councillors signed the declarations below at the Special Council Meeting held on 23 February 2021. A copy of the signed document is held in Council's records.

## 21. COMMITMENT TO THE CODE

I, <b>Katarina Chalwell</b> hereby declare that I have read the Councillor Code of Conduct (version 6) for Alpine Shire Council and declare that I will abide by this Code.	
Signature:	Date:
Witness: Charlie Bird, Chief Executive Officer	
Signature:	Date:

I, <b>John Forsyth</b> hereby declare that I have read the Councillor Code of Conduct (version 6) for Alpine Shire Council and declare that I will abide by this Code.	
Signature:	Date:
Witness: Charlie Bird, Chief Executive Officer	
Signature:	Date:

I, <b>Ron Janas</b> hereby declare that I have read the Councillor Code of Conduct (version 6) for Alpine Shire Council and declare that I will abide by this Code.	
Signature:	Date:
Witness: Charlie Bird, Chief Executive Officer	
Signature:	Date:

I, <b>Tony Keeble</b> hereby declare that I have read the Councillor Code of Conduct (version 6) for Alpine Shire Council and declare that I will abide by this Code.	
Signature:	Date:
Witness: Charlie Bird, Chief Executive Officer	
Signature:	Date:

I, <b>Sarah Nicholas</b> hereby declare that I have read the Councillor Code of Conduct (version 6) for Alpine Shire Council and declare that I will abide by this Code.	
Signature:	Date:
Witness: Charlie Bird, Chief Executive Officer	
Signature:	Date:

I, <b>Kelli Prime</b> hereby declare that I have read the Councillor Code of Conduct (version 6) for Alpine Shire Council and declare that I will abide by this Code.	
Signature:	Date:
Witness: Charlie Bird, Chief Executive Officer	
Signature:	Date:

I, <b>Charlie Vincent</b> hereby declare that I have read the Councillor Code of Conduct (version 6) for Alpine Shire Council and declare that I will abide by this Code.	
Signature:	Date:
Witness: Charlie Bird, Chief Executive Officer	
Signature:	Date:

## Appendix 1

### USE OF SOCIAL MEDIA

The Code of Conduct applies to online activity to ensure such activity does not reflect adversely on the role of a Councillor and as a leader in your community. Online conduct that breaches the Code of Conduct is considered inappropriate conduct.

The use of social and professional networking media (e.g. LinkedIn, Facebook, Twitter and YouTube) offers opportunities for people to collaborate, share or consume content in online forums and communities that share common interests. Council officers manage and moderate Council's corporate Facebook page.

When engaging in social media networking, Councillors need to be clear about who they are representing, taking responsibility for ensuring that any references to Council are factually correct and accurate, do not breach confidentiality requirements, and show respect for the individuals and communities with which they interact.

Councillors must make it clear that the views they express are their personal views, and do not reflect the stance of Council as a whole, or the organisation more broadly.

Councillors need to maintain confidentiality of local government information they have access to that is not publicly available, only discuss publicly available information and do not disclose confidential information, internal discussions or decisions of Council, employees or third parties.

Councillors should not endorse any political affinity or allegiance using a Council email address or Council social media applications.

### CONDUCT WHILE USING SOCIAL MEDIA

- Do not attempt to unduly influence other councillors, council staff or contractors or undermine public confidence in the processes of Council.
- Be alert to the possibility that personal comments about public issues may compromise your capacity to perform your duties in an independent and unbiased manner.
- Ensure your comments do not indicate that you have come to a conclusive view on a matter coming before Council, prior to fully considering the proposal and related issues.
- Ensure that your comments do not reflect adversely on the reputation of Council and/or local government more generally.
- Do not directly and unnecessarily criticise other Councillors or Council employees to undermine their position.
- Do not commit Council to actions or undertakings.
- Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.
- Do not publish information or make statements which you know to be false or may reasonably be taken to be misleading or deceptive.