



Ararat Rural City

**SPECIAL  
COUNCIL MEETING  
AGENDA**

***MONDAY 23 MAY 2016***





## Ararat Rural City

19 May 2016

Dear Councillors,

You are cordially advised and invited to attend a Special Council Meeting, which will be held in the Alexandra Oval Community Centre, 1 Waratah Avenue, Ararat on ***Monday 23 May 2016*** commencing at ***7.00pm***.

### **BUSINESS:**

- 1 **Traditional Acknowledgement/Prayer**
- 2 **Apologies**
- 3 **Disclosure of Interests**
- 4 **Officer's Reports – Councillor Code of Conduct**

Your attendance is respectfully requested.

Yours sincerely,

**ANDREW EVANS**  
**CHIEF EXECUTIVE OFFICER**

## INDEX

### ITEM 9.1 REVIEW OF COUNCILLOR CODE OF CONDUCT POLICY (C.1.6) .....4

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the Council Meeting and Assembly of Councillors. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law.

***1 – TRADITIONAL ACKNOWLEDGEMENT / PRAYERS***

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**TRADITIONAL ACKNOWLEDGEMENT**

WE ACKNOWLEDGE THE TRADITIONAL OWNERS OF THE LAND ON WHICH WE MEET TODAY, AND PAY OUR RESPECTS TO THEIR ELDERS, PAST AND PRESENT.

**OPENING PRAYER**

ALMIGHTY GOD, WE HUMBLY ASK YOU TO HELP US, AS ELECTED COUNCILLORS OF THE ARARAT RURAL CITY COUNCIL. GUIDE OUR DELIBERATIONS. PROSPER WHAT IS YOUR WILL FOR US, TO YOUR HONOUR AND GLORY AND FOR THE WELFARE AND BENEFIT OF THE PEOPLE WHOM WE SERVE IN THE ARARAT RURAL CITY.

**THE LORD'S PRAYER**

OUR FATHER WHICH ART IN HEAVEN, HALLOWED BE THY NAME, THY KINGDOM COME, THY WILL BE DONE ON EARTH, AS IT IS IN HEAVEN. GIVE US THIS DAY OUR DAILY BREAD AND FORGIVE US OUR TRESPASSES AS WE FORGIVE THEM THAT TRESPASS AGAINST US, AND LEAD US NOT INTO TEMPTATION, BUT DELIVER US FROM EVIL, FOR THINE IS THE KINGDOM, THE POWER, AND THE GLORY, FOREVER AND EVER. AMEN.

*2 – APOLOGIES*

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**MOTION** (if required)

That the apology of (Name) be accepted.

**3 – DISCLOSURE OF INTERESTS**

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Disclosure of Interests are to be made immediately prior to any relevant item being discussed.

**Local Government Act 1989 Section 79 (2)**

A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest -

- (a) by either -
  - (i) advising the Council or special committee at the meeting of the details required under paragraph (b) and (c) immediately before the matter is considered at the meeting; or
  - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
- (b) classifying the type of interest that has given rise to the conflict as either -
  - (i) a direct interest: or
  - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
- (c) describing the nature of the interest; and
- (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a) (ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

**Local Government Act 1989 Section 80C)**

A person who is providing advice or a report to a meeting of the Council or a special committee, and who has a conflict of interest in a matter to which the advice or report relates, must disclose the constituting the conflict of interest when providing the advice or report and before the advice or report is considered by the Council or the committee.

**4 - OFFICERS REPORTS**

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**ITEM 9.1 REVIEW OF COUNCILLOR CODE OF CONDUCT POLICY (C.1.6)  
16072497  
CORPORATE STRATEGY, RISK AND GOVERNANCE**

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**Introduction**

Due to recent legislative changes in the Local Government Amendment (Improved Governance) Act it is a requirement of Council to review its Councillor Code of Conduct within 4 months after the commencement of the Local Government Amendment (Improved Governance) Act 2015.

Council is also required to hold a Special Council Meeting solely for the purpose of reviewing the Councillor Code of Conduct and adopting the amended policy.

A further review will be required within the four months following the General Election being held on 22 October 2016.

**Discussion**

Council officers attended a Workshop conducted by Macquarie Lawyers regarding the review of the Councillor Code of Conduct and the implications of the legislative changes.

In developing the new Councillor Code of Conduct policy it was determined that a Support Guide should also be developed as a guide to Councillors that articulates the legislative responsibilities and obligations of the respective elected members and officer roles.

This Support Guide is an internal reference document, which can be administratively updated without the requirement for formal Council adoption. This allows for flexibility when legislative changes are made.

**POTENTIAL IMPLICATIONS ARISING FROM THIS ISSUE**

**Council plan reference**

5.1 Good governance through leadership

**Officer's Declaration of Interest**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

**Financial and resource implications**

None identified.

**Risk implications**

The review of the Councillor Code of Conduct policy must be completed by 4 July 2016, not doing so would breach the Local Government Act 1989.

**Statutory Implications**



**4 - OFFICERS REPORTS**

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Council is required to review and amend its Councillor Code of Conduct policy within 4 months after the commencement of Section 15 of the Local Government Amendment (Improved Governance) Act 2015.

Council will also be required to review the Councillor Code of Conduct policy within 4 months of the General Election.

**Community Implications**

Transparency, that Ararat Rural City Council have reviewed the Councillor Code of Conduct policy taking all legislative compliance and sector best practice into account.

**Environmental Implications**

None identified.

**Internal/external consultation**

Councillors have discussed the amended Councillor Code of Conduct policy and Support Guide at the Assembly of Councillors held on Tuesday 17 May 2016.

Council's legal advisors and the Municipal Association of Victoria were consulted/provided input as a part of the Policy development process.

**Options**

Council could:

- 1 Review and adopt the Ararat Rural City Council Councillor Code of Conduct policy (C.1.6) as presented.
- 2 Not adopt the Ararat Rural City Council Councillor Code of Conduct policy (C.1.6) as presented.

**Attachments**

The draft Ararat Rural City Council Councillor Code of Conduct (C.1.6) policy is provided as an attachment.

**Conclusion**

To comply with the requirements of the Local Government Act 1989, Council is required to review and amend its Councillor Code of Conduct policy within 4 months after the commencement of Section 15 of the Local Government Amendment (Improved Governance) Act 2015.

***4 - OFFICERS REPORTS***

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**Recommendation**

**That Council:**

- 1** Adopt the reviewed Ararat Rural City Council Councillor Code of Conduct (C.1.6) policy;
- 2** Place a copy of the Ararat Rural City Council Councillor Code of Conduct (C.1.6) policy on Council's website and a place a copy for public inspection at the Municipal Offices; and
- 3** Ensures that each Councillor be provided with a copy of the Ararat Rural City Council Councillor Code of Conduct (C.1.6) policy; and
- 4** Ensures that each Councillor signs an individual declaration to abide by the Ararat Rural City Council Councillor Code of Conduct (C.1.6) policy and that this declaration be witnessed by the Chief Executive Officer.