

COUNCILLOR CODE OF CONDUCT

Report Author: Executive Officer - Governance, Risk & Compliance
Responsible Officer: Director Corporate Services
Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

A review of Yarra Ranges Council's (Council) Councillor Code of Conduct (Councillor Code) took place following the introduction of the Model Councillor Code of Conduct (Model Code) outlined in *Local Government Amendment (Governance and Integrity) Act 2024*.

The review also considered the implications of Operation Sandon and Operation Leo, which highlighted the need for stronger integrity measures. The Model Code sets out the minimum standards of conduct expected of elected representatives. Prior to this amendment, the *Local Government Act 2020* required all Council's to have their own individual Councillor Code of Conduct. The new Model Code is now a statutory and sworn oath requirement for all Councillors. However, Councils can choose to also maintain their own Councillor Code of Conduct.

Officers recommend Council maintains its own Councillor Code to build upon and complement the Model Code, strengthening good governance by providing clear behavioural boundaries and expectations that are tailored to the local context. A robust, specific Code ensures transparency, accountability, and public confidence in council operations, complementing the broader principles of the Model Code. The review of the current Councillor Code proposes several changes to ensure alignment with the Model Code.

RECOMMENDATION

That Council adopt the Yarra Ranges Councillor Code of Conduct.

RELATED COUNCIL DECISIONS

The current Councillor Code of Conduct was adopted by Council on 9 February 2021.

Purpose and Background

The implications of Operation Sandon and Operation Leo highlighted the need for stronger integrity measures and the introduction of the Model Code outlined in *Schedule 1 of the Local Government (Governance and Integrity) Amendment Regulations 2024*. The Model Code sets out the minimum standards of conduct expected of elected representatives. Prior to this amendment, the *Local Government Act 2020* required all Councils to have their own individual Councillor Code. Now, the new Model Code serves as a statutory and sworn oath requirement for all Councillors across Victoria.

While Councils are no longer required to maintain their own Councillor Code, they have the option to do so. Officers recommend Council maintains its own Councillor Code to build upon and complement the Model Code, strengthening good governance by providing clear behavioural boundaries and expectations that are tailored to the local context. This decision would also reflect Council's commitment to upholding high standards of integrity and ethical behaviour among its elected representatives. A Yarra Ranges Council specific Councillor Code is also recommended due to the Model Code not addressing a range of domains such as Planning, IT use, and staff interaction that support Councillors in fulfilling their roles ethically and effectively.

A comprehensive review of the current Councillor Code proposes several changes to ensure alignment with the Model Code.

To enhance the documents longevity, several legislative extracts have been referenced rather than directly quoted, and hyperlinks to internal Council documents be removed. This approach aims to ensure the Councillor Code remains relevant during future reviews of complementary governance documents, such as the Governance Rules, Benefits and Hospitality Policy and Gifts, Councillor Expenses Policy.

FINANCIAL ANALYSIS

There are no additional costs associated with implementing the review of the Councillor Code of Conduct and the staff resourcing costs are already included within the current operating budgets.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective in the Council Plan: High Performing Organisation.

- Provides a clear framework for ethical conduct and decision-making by Councillors.

- Safeguards Council's reputation and integrity by establishing and maintaining high standards of behaviour for elected representatives.
- Promotes accountability and transparency in Council operations by clearly defining the expected conduct of Councillors in their roles and responsibilities.
- Fosters a culture of continuous improvement and excellence by setting clear expectations for Councillor behaviour and performance.

The updated Councillor Code of Conduct aligns with and supports Council's:

- Governance Rules
- Public Transparency Policy
- Conflict of Interest Policy and Procedures
- Community Engagement Policy
- Councillor Expenses Policy
- Election Period Policy
- Gifts, Benefits and Hospitality Policy
- Child Safety & Wellbeing Policy
- Occupational Health and Safety Policy
- Fraud Control Policy
- Complaint and Unreasonable Behaviour Policy

RELEVANT LAW

- *Local Government Act 2020*
- *Local Government Amendment (Governance and Integrity) Act 2024.*

SUSTAINABILITY IMPLICATIONS

Economic Implications

The Councillor Code of Conduct promotes transparent and ethical decision-making, which can positively impact Council's financial management and resource allocation.

Social Implications

A robust Councillor Code of Conduct fosters public trust in local government and promotes positive relationships between Councillors and the community they serve.

Environmental Implications

While not directly related to environmental outcomes, the Councillor Code's emphasis on ethical behaviour and good governance can support environmentally responsible decision-making.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken in the review of the Councillor Code. The Councillor Code is a public document that primarily services internal governance purposes. However, its adoption and implementation directly impact the community by ensuring high standards of conduct from elected representatives. The Councillor Code, along with the Model Code, is made publicly available on Council's website, promoting transparency and accountability.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

The review process involved Councillor consultation providing an opportunity for elected representatives to review and provide input on the draft Councillor Code of Conduct. This consultation ensures the Councillor Code reflects current best practices and addresses emerging governance challenges.

The removal of internal document links and direct legislative extracts promotes the Councillor Code's adaptability to future governance changes and ensures its relevance during reviews of complementary documents. This approach enhances the document's longevity and flexibility in responding to evolving local government regulations and best practices. These proposed changes demonstrate innovation in governance practices and continuous improvement in Council operations.

RISK ASSESSMENT

Adopting the Councillor Code of Conduct mitigates several risks including reputational risk by demonstrating commitment to high ethical standards and governance risk through clear guidelines for Councillor conduct and decision-making processes.

Adopting a Council specific Councillor Code could lead to potential misalignment with the new Model Code. This has been mitigated by ensuring the Councillor Code aligns with, and references, the Model Code, while also maintaining Council-specific requirements.

There is a risk of reputational damage if Councillors do not adhere to clearly defined ethical standards. To mitigate this, the Councillor Code comprehensively addresses a range of domains such as Planning, IT use, and staff interactions, providing clear guidelines to support Councillors in fulfilling their roles ethically and effectively.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. Yarra Ranges Councillor Code of Conduct
2. Model Councillor Code of Conduct