



# COUNCILLOR CODE OF CONDUCT

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(Reviewed on 7 September, 2009 in accordance with the **Local Government Act 1989**)

## Introduction

The Councillors of Frankston City Council are committed to maintaining the highest standards of conduct and good governance in exercising their role as the elected representatives of the Frankston community.

Councillors are committed to upholding the Values expressed in the Council Plan which are:

- Community Focused;
- Respect;
- Excellence;
- Accountability;
- Teamwork;
- Integrity; and
- Sustainability.

This Code of Conduct is to be read in conjunction with:

1. The obligations of Councillors under the *Local Government Act 1989*, including but not limited to:
  - s.76D Misuse of position;
  - s.76E Improper direction and improper influence;
  - s.77 Confidential information;
  - s.79 Disclosure of conflict of interest;
  - s.81 Register of interests; and

## **Introduction (Cont'd)**

2. All Council policies as adopted by Council from time to time, including but not limited to:
  - Reimbursement of Councillors' Expenses Policy;
  - Open Government / Community Engagement Policy; and
  - Privacy Policy.
3. Council's Meeting Procedure Local Law.

In performing the functions and exercising the powers conferred by or under the *Local Government Act 1989* (the Act) or any other Act for the peace, order and good government of the municipality of Frankston City Council, Councillors will adhere to the following Councillor conduct principles in compliance with sections 76B and 76BA of the Act:

### **Primary Principle of Councillor Conduct**

It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor shall:

- Act with integrity;
- Impartially exercise his or her responsibilities in the interests of the Frankston community; and
- Not improperly seek to confer an advantage or disadvantage on any person.

### **General Councillor Conduct Principles**

In addition to acting in accordance with the primary principle of Councillor conduct specified above, in performing the role of a Councillor, a Councillor shall:

- Avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- Act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, council officers and other persons;
- Exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- Endeavour to ensure that public resources are used prudently and solely in the public interest;
- Act lawfully and in accordance with the trust placed in him or her as an elected representative; and
- Support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

## **Use and Access to Information**

In exercising their duties Councillors are required to ensure that the decisions they make are based on sound and comprehensive information.

Councillors will be:

- i) Aware that they are only entitled to access information which is relevant to a matter before the Council or in their role as Councillor, in accordance with the Freedom of Information Act, 1993;
- ii) Mindful that some information may not be able to be provided due to substantial resourcing requirements or because of the provisions of the Information Privacy Act, 2000;
- iii) Aware that information provided to one Councillor will also be made available to other Councillors;
- iv) Diligent in ensuring that confidential information is not used outside their role as a Councillor.

## **Relationships with Other Councillors, Staff and the Community**

Councillors are committed to developing effective working relationships with other Councillors and staff based on mutual respect and cooperation to achieve the Council's goals and implement the Council's strategies.

To achieve this Councillors will:

- I) Respect the views of other Councillors even when these views are different to their own;
- ii) Acknowledge that the Chief Executive Officer is responsible for administrative and staff matters;
- ii) Refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others;
- iii) Treat other Councillors, staff and community members in a professional and respectful manner at all times;
- iv) Seek to resolve conflict with other councillors and staff in a constructive and timely manner.
- v) Refrain from criticising staff or fellow Councillors in public forums;
- vi) Consult with fellow Councillors and staff in the development of strategic direction and Council activity; and
- vii) Work diligently to advocate the interests of constituents within the Frankston municipality.

## **Role of Mayor**

The position of Mayor is important and the role, responsibilities and performance has a critical bearing on the image and good functioning of the Council Chamber and the cooperative relationships between Councillors and others. It is necessary that the Mayor:

- i) Is seen as the first citizen of the City and takes precedence at all local civic functions; and
- ii) Shall together with the Chief Executive Officer be the official spokesperson for the Council and each person must respect each other's roles in dealing with the media and other external bodies.
- iii) Will facilitate effective working relationships amongst Councillors and with staff.

## **Meetings**

Formally constituted meetings are a fundamental role of Councillors in representing the residents of their ward and the whole municipality. Meetings must focus on the business of Council and provide an environment for transparent and healthy debate on matters of decision making. Key elements are as follows:

- i) The Mayor is responsible for chairing meetings of the Council at which he or she is present and in doing so will:
  - o Retain control at all times;
  - o Be impartial;
  - o Preserve order; and
  - o Ensure that the business is conducted in a proper manner and in accordance with the Meeting Procedure Local Law.
- ii) Councillors should be committed to paying respect to the Chair at meetings;
- iii) The Chair is conscious of the needs of each Councillor and will facilitate their entry into discussions and allow fair debate and participation;
- iv) Ensure Councillors are respected for their views on issues and that such views be considered on merit and not be critical of or criticised for their association with any particular community group, political party or community contacts; and
- v) Respect the right of the Councillor or officer to have fair opportunity to speak when holding the floor.

## **Dispute Resolution – 4 Step Procedure**

From time to time disputes may arise between Councillors or the behaviour of a councillor may be of concern. In the first instance, Councillors will seek to resolve these disputes and concerns informally between the parties. Where this has not been possible, the following process will be followed:

1. An aggrieved Councillor shall within 7 days of a dispute occurring, notify the relevant Councillor/s in writing (by email or letter) that a dispute exists and that they seek a meeting to resolve the dispute. The written notification shall include particulars of the dispute.

**Dispute Resolution – 4 Step Procedure (Cont'd)**

2. The aggrieved parties shall meet within 14 days and attempt to resolve the dispute.
3. If the relevant parties do not meet within 14 days or at such meeting the dispute is not resolved, the aggrieved party shall refer the dispute to the Mayor who shall convene a meeting within 7 days with the aim of resolving the dispute.
4. Should the dispute remain unresolved, an independent mediator will be appointed to work through the issues with the relevant Councillors.