



# Councillor Code of Conduct 2020

Adopted by Melbourne City Council on 15 December 2020

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# SECTION 1: BACKGROUND

## 1.1 OVERVIEW

The governance arrangements that cover the City of Melbourne are set out in the [Local Government Act 2020](#) (the Act) and the [City of Melbourne Act 2001](#). The primary objective for the Melbourne City Council (Council) is to endeavour to achieve the best outcomes for the local community having regard to the long term cumulative effect of its decisions. Further objectives are set out in the Acts. Good governance is fundamental to the achievement of Council's objectives.

[The Act](#) requires Council to have a Councillor Code of Conduct and prescribes certain requirements.

The Councillor Code of Conduct must set expected standards of Councillor behaviour and provide guidance in the event of any Councillor breach of the Code of Conduct.

This Councillor Code of Conduct (the Code) was adopted by Melbourne City Council (Council) on 15 December 2020 and is required to be reviewed within four months after a general election. This Code replaces the previous Councillor Code of Conduct adopted by resolution of Council on 4 September 2018.

The Code of Conduct will be reviewed annually by Councillors.

## 1.2 PURPOSE

The purpose of the Code is to set out the principles, values, standards and behaviours that will guide Council collectively and the Councillors individually in undertaking their duties and obligations as set out in [the Act](#), the [City of Melbourne Act 2001](#) and all other applicable legislation. This Code is intended to set a high standard of conduct in order to ensure good governance and increase public confidence in the administration of Council. As custodians of a capital city government, the Lord Mayor, Deputy Lord Mayor and Councillors hold unique and important leadership roles within Victoria.

## 1.3 SCOPE

This Code:

- sets out the behaviour expected of elected representatives of Council
- supports and fosters good working relationships between Councillors, and between Councillors and employees of Council and the community
- mandates conduct by Councillors which builds public confidence in the integrity of local government.

This Code applies to a Councillor who is:

- conducting the business of Council
- conducting the business of the office to which they have been elected or appointed
- acting as a representative of Council.

For the purposes of this Code, the term ‘Councillors’ includes the Lord Mayor, the Deputy Lord Mayor and all other Councillors of Council, except where the context otherwise indicates or requires.

This Code adopts and incorporates relevant Councillor protocols, policies, procedures and other documents, as amended from time to time, which are set out in Appendix 1. By agreeing to this Code, Councillors are expressly agreeing to adhere to the policies in Appendix 1 as agreed by Council at that time.

Legislative obligations of Council and Councillors are expressly set out in the Code where required by legislation. Council and Councillor obligations in [the Act, City of Melbourne Act 2001](#) and other applicable legislation (as amended) apply to Council and Councillors even if not expressly set out in the Code.

This Code should be read alongside other Council documents, including the Council Plan, Council policies, protocols and Council’s local laws, as applicable, which all form part of Council’s governance framework.

This Code should not be read as an exhaustive statement on the rights and obligations of individuals that ordinarily apply under the law, including any avenues of reporting and redress that may be available in specific circumstances.

Where members of the public would like to raise a complaint against a Councillor for a possible breach or offence under the Act or this Code, this may be directed to the Chief Municipal Inspector or the City of Melbourne Councillor Conduct Officer.

## **1.4 COUNCILLOR COMMITMENT TO THE CODE OF CONDUCT**

I, as an elected representative of the community charged with decision making for the City of Melbourne, am committed to undertaking the duties and responsibilities of my office by working together with my fellow Councillors in a respectful and constructive manner to achieve the goals and vision for our city.

I recognise the importance of acting in accordance with the highest standards of governance, and that this is essential to honest, accountable and effective government. My behaviour towards my colleagues, the employees of Council and the community is critical to the teamwork required to be a successful and highly functioning public authority.

I acknowledge that I have been elected by the community to a position of significant responsibility with the expectation that I will act in accordance with accepted values of our society.

I also acknowledge that Council is committed to the ICARE values of integrity, courage, accountability, respect and excellence. These values and associated obligations are set

out in this Code together with additional conduct requirements and processes for the management of behaviour which does not meet the required standards. The Code also incorporates specified protocols, policies and procedures which underpin the values and provide guidance for the implementation and management of Councillor conduct.

As a Councillor of the City of Melbourne I agree to:

- act in accordance with the principles of good governance and respectful conduct and associated obligations set out in the Code and legislation
- provide civic leadership and contribute effectively to the interests and advancement of Council and its community
- contribute to the strategic vision for Council
- uphold the public trust in the office of Councillor by refraining from any action or behaviour that would bring Council into disrepute
- act in accordance with all my obligations to the best of my skill and judgment.

This Code sets out my commitment to my fellow Councillors and the community to govern the city in a manner which accords with the expressed behaviours, standards and values.

This Code will be reviewed in accordance with relevant legislative obligations. Additionally, every twelve months Councillors will review this Code to ensure that it meets and continues to meet community standards and expectations.

By signing below, I declare to my fellow Councillors and to the community that I have read, understood and will abide by this Code of Conduct.

\_\_\_\_\_  
Lord Mayor Sally Capp

\_\_\_\_\_  
Deputy Lord Mayor Nicholas Reece

\_\_\_\_\_  
Councillor Olivia Ball

\_\_\_\_\_  
Councillor Roshena Campbell

\_\_\_\_\_  
Councillor Jason Chang

\_\_\_\_\_  
Councillor Elizabeth Mary Doidge

\_\_\_\_\_  
Councillor Davydd Griffiths

\_\_\_\_\_  
Councillor Jamal Hakim

\_\_\_\_\_  
Councillor Philip Le Liu

\_\_\_\_\_  
Councillor Rohan Leppert

\_\_\_\_\_  
Councillor Kevin Louey

\_\_\_\_\_  
Witnessed by Chief Executive Officer, Justin Hanney

## **SECTION 2: COUNCILLOR CONDUCT OBLIGATIONS**

### **2.1 COUNCILLOR CONDUCT STANDARDS**

Councillors must comply with the prescribed standards of conduct in Schedule 1 to the *Local Government (Governance and Integrity) Regulations 2020*. A copy of the conduct standards appears at Appendix 3.

A breach of the conduct standards constitutes misconduct as defined under the Act.

#### **2.1.1 Standard 1 – Treatment of others**

In performing the role of a Councillor, I will 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 I:

- take positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the *Equal Opportunity Act 2010*
- support Council in fulfilling its obligation to achieve and promote gender equality
- do not engage in abusive, obscene or threatening behaviour in my dealings with members of the public, Council staff and Councillors
- in considering the diversity of interests and needs of the municipal community, treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities.

#### **2.1.2 Standard 2 – Performing the role of Councillor**

In performing the role of a Councillor, I will do everything reasonably necessary to ensure that I perform the role of a Councillor effectively and responsibly, including by ensuring that I:

- undertake 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
- diligently use Council processes to become informed about matters which are subject to Council decisions
- am fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity
- represent 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.



### **2.1.3 Standard 3 – Compliance with Good Governance Measures**

In performing the role of a Councillor, to ensure the good governance of Council, I will diligently and properly comply with the following:

- 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
- the Council expenses policy adopted and maintained by the Council under section 41 of the Act
- the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act
- any directions of the Minister issued under section 175 of the Act.

### **2.1.4 Standard 4 – Council Reputation**

In performing the role of a Councillor, I will:

- ensure that my behaviour does not bring discredit upon Council
- not deliberately mislead Council or the public about any matter related to the performance of my public duties.

## **2.2 COUNCILLOR VALUES AND BEHAVIOURS**

In undertaking my role as a Councillor I will embrace and demonstrate Council's corporate values, which set out our shared goal to work together for Melbourne. In challenging and inspiring myself and others to realise our vision for the city, I will demonstrate the following:

### **2.2.1 Integrity**

I will conduct activities professionally and ethically and take responsibility for my actions in an honest and transparent way. I endeavour to:

- deal with others fairly and consistently
- follow through on commitments
- represent my views truthfully
- be open to constructive feedback
- consider the whole picture, seek evidence before forming views and be prepared to discuss how views were formed.

This includes, for example:

- abiding by relevant legislation and Council policies, protocols and procedures

- encouraging an environment for the giving of frank advice or raising issues
- supporting fellow Councillors if I believe they have been treated unfairly or disrespectfully.

### **2.2.2 Courage**

I will exercise fortitude in decision-making and accept responsibility for the consequences of my own actions and choices. In doing so I endeavour to:

- raise issues directly, constructively and in an appropriate forum
- be willing to explore new ideas and ways of doing things
- present and debate ideas and innovations to the best of my ability and willingly accept outcomes
- speak for myself rather than relying on others.

This includes, for example:

- being prepared to raise issues through appropriate channels on workplace issues that fall short of expected values and behaviours
- demonstrating leadership by modelling agreed Councillor values and behaviours.

### **2.2.3 Accountability**

I will take personal responsibility for decisions and actions. In doing so, I endeavour to:

- ensure best use of resources
- take responsibility for making sure my personal actions contribute to the agreed outcomes
- act and work in an open and transparent manner and report results
- recognise the achievements of others when appropriate
- be responsive in a timely manner.

This includes, for example:

- ensuring I have up-to-date knowledge of latest workplace standards and appropriate behaviours by seeking information and guidance as necessary
- co-operating with a request by a fellow Councillor when asked to resolve a dispute in accordance with the procedures in this Code
- following up on commitments I have made to members of the community in a timely manner.

## **2.2.4 Respect**

I will value the contribution and individuality of others and contribute to healthy working relationships. In doing so, I endeavour to:

- recognise and encourage the ideas and contributions of others
- show respect when interacting with, speaking to and about others
- respect and relate well to people of diverse backgrounds
- be courteous and approachable and respect others' boundaries
- positively contribute to, and participate in, Councillor group activities
- actively listen to, consider and debate other people's ideas constructively, including when they are different to my own.

This includes, for example:

- treating a fellow Councillor or members of the community as I would like to be treated
- adhering to appropriate protocol during meetings and treating members of the public with dignity
- welcoming officers' frank and fearless advice.

## **2.2.5 Excellence**

I will aim to achieve the highest standards and continuously improve performance to achieve outstanding outcomes for Melbourne. In doing so, I endeavour to:

- be strongly focused on results
- understand what is required to deliver excellence and seek support when needed
- continually strive for improvement.

This includes, for example:

- undertaking any training and development necessary to meet the obligations and standards expected of me
- supporting a culture where everyone lives by shared Council values and standards
- voluntarily contributing to conversations to collectively reflect on our practice of the Code.

## **2.3 SPECIFIC COUNCILLOR CONDUCT OBLIGATIONS**

The following section sets out specific conduct obligations that are agreed by all Councillors. In some instances a breach of the conduct obligations under this part might also constitute a breach of the conduct standards. As noted in 2.1 a breach of the conduct standards may result in a finding of misconduct under the Act.

I acknowledge and agree that Council policies, protocols and procedures referred to below apply to me as a Councillor and I commit to compliance with them and with my legislative obligations.

### **2.3.1 Decision making**

I am committed to making all decisions impartially and in the best interests of the community. I will actively participate in the decision-making process and appropriately inform myself of the matter at hand. Once a decision has been made, I will respect the making of that decision.

The [Councillor Protocol](#) and Governance Rules set out the procedures for decision making by Council and I agree to adhere to both.

### **2.3.2 Use of Council information**

I acknowledge that information which is 'confidential information' within the meaning of section 3 and section 125 of [the Act](#), and Chapter 6 of the Governance Rules may not be disclosed by me except in certain specified circumstances. I am aware that Council information may also be subject to other legislation including the [Health Records Act 2001](#), [Privacy and Data Protection Act 2014](#) and [Freedom of Information Act 1982](#).

The [Councillor Protocol](#) provides extra context regarding the treatment of confidential information.

I will comply with any legislative provisions and Council policies concerning my access to, use of, or disclosure of Council information, whether confidential or otherwise.

### **2.3.3 Communications and media**

Councillors have an obligation to effectively and satisfactorily communicate the decisions of Council and to respond to the community as required. To ensure that clear and consistent messages are communicated, the [Councillor Protocol](#) sets out the management of media enquiries, release of information and nominated spokespersons.

I will comply with the [Councillor Protocol](#) and respect the roles of Council's official spokespersons. I will also:

- respect Council's decisions by not criticising or actively undermining any decisions which have been made
- not bring Council into disrepute through any of my words or actions
- not speak on behalf of Council without authority
- ensure any personal opinions or views I express publicly are identified as my own and not those of Council
- ensure any communications I make are not offensive, derogatory, insulting or otherwise damage the reputation of Council.

#### **2.3.4 Conflict of interest**

Sections 126 to 131 of [the Act](#), and Chapter 5 of the Governance Rules require each Councillor to identify, manage and disclose any conflicts of interest they may have. I acknowledge that I have read and understand these provisions and will abide by them. In the event that I consider that I have an actual or perceived conflict of interest in relation to a matter, I will declare and identify this at the commencement of any discussion on the matter. I will seek advice from the Chief Executive Officer or other appropriate person if I need assistance on interpretation of the legislative provisions.

I understand that the declaration must be in writing, and must be made at any Council meeting, Committee meeting or meeting conducted under the auspices of Council, at which the matter is to be discussed.

#### **2.3.5 Significant and/or intimate relationships**

I understand that conflict and bias can arise from situations where relatives or people with significant and/or intimate relationships work together, and this can potentially lead or be seen to lead to decisions I make as a Councillor being made for reasons other than the public interest.

If I am involved in a relationship of a significant or intimate nature with another Councillor or an employee, I undertake to disclose the fact of this relationship to the Lord Mayor and the Chief Executive Officer.

#### **2.3.6 Gifts and hospitality**

I commit to compliance with my statutory obligations in relation to gifts and hospitality. I also undertake to comply with Council's policy to publicly disclose all gifts, benefits or hospitality received in my capacity as a Councillor, in accordance with the Councillor Gift Policy.

In addition, I commit to notify the Chief Executive Officer and Director Governance if in the conduct of my duties, I receive an inappropriate offer or benefit of any kind.

### **2.3.7 Reporting fraud and corruption**

Ethical behaviour is an integral part of responsible, effective and accountable government. I acknowledge Council's obligations under the [Public Interest Disclosures Act 2012](#) to facilitate the making of disclosures of improper conduct by public officers and public bodies, including Council, its employees and Councillors.

I will immediately report to the Chief Executive Officer and/or appropriate integrity body, in line with the Council's Public Interest Disclosures Procedures, any suspected, potential or actual fraudulent, criminal, unethical, corrupt or other unacceptable behaviour that comes to my knowledge. I will participate as required to the best of my ability in any subsequent investigation whether undertaken internally or externally.

### **2.3.8 Councillor and officer engagement**

I have read and understood the requirements of Section 124 of [the Act](#) and I will not seek to improperly direct or influence members of Council staff in the exercise of their duties. I will follow all procedures and protocols which set out interaction between Councillors and the Chief Executive Officer, senior management and other employees.

### **2.3.9 Use of council resources**

I commit to using Council resources effectively and economically and in accordance with all Council policies. In particular, I will:

- use Council resources, which may include equipment, information, staff resources, property of any kind and other assets, which have been provided to me only for the purposes of my duties as a Councillor and not for private purposes unless properly authorised to do so
- maintain adequate security over Council property, facilities and resources in my possession or control
- ensure that any claim for expenses that I may make will be in accordance with all legislative obligations and Council policies
- not use public funds or resources in a manner that is improper or unauthorised.

### **2.3.10 Meeting planning permit applicants**

When proposing to meet with a known or proposed planning permit applicant (or property owner, or their representative), either for the purpose of discussing the application or where the application is likely to become a topic of discussion, I will hold the meeting with a planning officer present.

### **2.3.11 Political activity**

I am committed to ensuring that elections conducted by the City of Melbourne are conducted fairly and democratically and in accordance with the highest standards of governance. Where I am a sitting Councillor during an election period I will abide by the requirements of the applicable legislation and the Council-endorsed [Election Period Policy](#) (which forms part of the Council's adopted Governance Rules) and, whether or not I am standing for re-election, I will at all times act respectfully towards all candidates for the election.

### **2.3.12 Human rights and equal opportunity**

In performing their role Councillors must take positive action to eliminate discrimination in accordance with the *Equal Opportunity Act 2010* and support Council in fulfilling its obligation to achieve and promote gender equality.

I acknowledge the human rights that are protected under the [Victorian Charter of Human Rights and Responsibilities Act 2006](#) and undertake to exercise my duties in a manner that is compatible with the rights set out in the Charter.

I acknowledge this undertaking extends to all my relationships as a Councillor, including with other Councillors, the Chief Executive Officer and Council employees, as well as any member of the public with whom I may have contact, and any decisions I participate in as a Councillor.

I am committed to treating all people with dignity and respect in accordance with Council's Respectful Conduct Policy, which recognises that there is no place for unlawful discrimination, harassment (sexual or otherwise), racial and religious vilification and victimisation of any individual.

I will:

- take all reasonable steps to eliminate all forms of discrimination at Council
- support Council to fulfil its obligation to achieve and promote gender equality
- adhere to Council's Respectful Conduct Policy.

### **2.3.13 Sexual harassment**

Sexual harassment is against the law and will not be tolerated under any circumstances. In performing their role Councillors must take positive action to eliminate sexual harassment in accordance with the *Equal Opportunity Act 2010*. I will not engage in any unwelcome conduct of a sexual nature towards another individual where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the individual harassed would be offended, humiliated or intimidated.

I will:

- adhere to Council's Respectful Conduct Policy
- take all reasonable steps to eliminate sexual harassment at Council.

### **2.3.14 Bullying, vilification and victimisation**

Council is committed to maintaining a workplace that is free from bullying, vilification and victimisation, where all people are treated with dignity and respect. In performing their role Councillors must take positive action to eliminate victimisation in accordance with the *Equal Opportunity Act 2010*. I will uphold Council's obligations to support a safe workplace, and will not engage in repeated unreasonable behaviour toward another Councillor or member of Council staff that creates a risk to the health and safety of that other Councillor or member of Council staff.

I will:

- adhere to Council's Respectful Conduct Policy
- take all reasonable steps to eliminate bullying, vilification and victimisation at Council.

### **2.3.15 Occupational health and safety**

Council is committed to providing and maintaining a safe workplace for all and recognises the provisions of the [Occupational Health and Safety Act 2004](#) (OHSA) apply to Council and Councillors. The Chief Executive Officer has a clear accountability for OHS matters, given their mandate under [the Act](#), and will put policies in place from time to time to ensure a safe workplace for Councillors to carry out their civic duties.

I will adhere to Council's Occupational Health and Safety Policy.

As a Councillor, I understand that occupational health and safety is a shared responsibility. Accordingly, I will:

- take reasonable care to protect my own health and safety as well as the health and safety of others in the workplace
- take reasonable care to make sure Council carries out, through the Chief Executive Officer, its general duties to ensure a safe workplace that is without risks to health by ensuring appropriate systems and policies are in place to manage those risks
- consider any health and safety implications of Council decisions.

### **2.3.16 Interactions with others**

Council is committed to treating all members of the community with dignity, fairness, objectivity, courtesy and respect.

As a Councillor I will:

- not engage in abusive, obscene or threatening behaviour in my dealings with members of the public, Council staff and Councillors



- in considering the diversity of interests and needs of the municipal community, treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities
- adhere to Council's Respectful Conduct Policy.

### **2.3.17 Fitness to carry out duty**

Council is committed to providing and maintaining a work environment that is safe and without risks to health. Councillors must ensure that they are fit to conscientiously perform the role of a Councillor. I acknowledge that a physical or psychological impairment may impact on my fitness to carry out duty and, left unaddressed, may negatively affect the health and safety of myself and others. I also acknowledge that a range of factors and circumstances can impact on the satisfactory performance of my duties, including the consumption of alcohol and other drugs, even if legal and prescribed.

I will adhere to Council's Fitness to Carry Out Duty Policy.

### **2.3.18 Interacting with children**

Council prides itself on being a child safe organisation and has zero tolerance for child abuse. Council adheres to the [Victorian Child Safe Standards](#) and related legislation which governs the protection of children and young people and deals with the failure to report harm, failure to protect and grooming offenses. Accordingly, I undertake to:

- maintain the highest standards of professional conduct in my attitude, behaviour and interactions with children and young people
- support and maintain Council's commitment to the safety and wellbeing of children and young people and including through any decision I participate in as a Councillor
- take all reasonable steps to protect children and young people from harm, including complying with Council's obligations under State and Federal child protection legislation.

### **2.3.19 Commitment to best practice**

We acknowledge that in fulfilling the statutory requirements of our role, a shared understanding of our obligation and the practical ways that we perform our duties is necessary for good governance. To achieve this shared understanding, I commit to take all reasonable steps to become familiar with Councillor policies and protocols and participate in any reviews of these documents.

## SECTION 3: CoM DISPUTE RESOLUTION

### 3.1 PURPOSE

This part describes the processes for Councillors who wish to report and resolve a dispute with another Councillor under the Code. Councillors recognise that the democratic process of local government involves holding, and expressing, different and sometimes opposing viewpoints. It is a normal, and vital, function of this process that these different views are shared in a considered and informed way. Although all Councillors strive to engage in positive, constructive and respectful interactions, conflict and/or disputes may arise.

All Councillors recognise that they hold an individual and collective responsibility to resolve disputes in a proactive, positive and courteous manner before they are escalated, to avoid such disputes threatening the effective operation of Council.

The primary purpose of an internal resolution procedure is to provide Councillors with support and mechanisms to resolve conflicts and disputes in a manner that enables them to move forward and establish and maintain effective working relationships. The procedure also provides avenues and guidance for escalating more serious issues and allegations where required.

This procedure:

- is not intended to resolve differences in policy or decision making, which are appropriately resolved through discussion and voting in council and committee meetings
- does not include a complaint made against a Councillor or Councillors by a member or members of Council staff, or by any other person, or a “disclosure” under the [Public Interest Disclosures Act 2012](#) .

### 3.2 SCOPE

This procedure operates alongside, and does not displace, any external avenues provided for by legislation for the reporting and resolution of issues and disputes. It should be read in conjunction with [the Act](#) which sets out avenues for reporting matters of Councillor misconduct and establishes external authorities to hear, investigate, prosecute and make findings of Councillor misconduct, serious misconduct and gross misconduct.

For the purposes of this part:

- 'Councillor Conduct Officer' refers to an appointee of the Chief Executive Officer who assists Council in the implementation and conduct of the internal arbitration process in the Code.
- This procedure does not deal with allegations of criminal misconduct as they are envisaged to be raised with Victoria Police or other relevant mechanisms.

- Nothing in this procedure prevents an individual Councillor with a specific issue or dispute from pursuing other avenues available to them under the law.

For the avoidance of doubt, a Councillor or member of the public may raise a formal complaint through any available channel external to Council as provided by law.

In particular, some allegations of Councillor misconduct under this Code may also constitute serious misconduct under the Act. In these instances, it is open to Council, a Councillor, or a group of Councillors, to make an application for a Councillor Conduct Panel. For allegations of gross misconduct, Council, a Councillor(s) or members of the public can raise complaints to the Local Government Inspectorate.

### **3.3 RESPONSIBILITIES**

#### **3.3.1 Lord Mayor and Deputy Lord Mayor**

The Lord Mayor and Deputy Lord Mayor have a responsibility to:

- establish and promote appropriate standards of conduct
- support good working relations between Councillors
- support Councillors in dispute resolution.

#### **3.3.2 Councillor Conduct Officer**

The Councillor Conduct Officer has a responsibility to:

- assist Council in the implementation and conduct of the internal resolution procedure
- assist the Principal Councillor Conduct Registrar to perform the functions specified in section 149 of [the Act](#).

#### **3.3.3 Chief Executive Officer**

The Chief Executive Officer (CEO) has a responsibility to:

- ensure that support and assistance is available to all Councillors where it is required
- take all reasonable steps to ensure the consistent and accountable application of this policy across Council
- comply with all relevant legislation as the senior officer within Council administration.

### 3.3.4 Councillors

Councillors as defined in this section have a responsibility to

- co-operate with any investigation into, or arbitration of, a complaint made under this procedure
- maintain confidentiality regarding any complaint.

## 3.4 INFORMAL RESOLUTION BETWEEN PARTIES TO A DISPUTE

Before commencing a formal dispute resolution process, the Councillors who are parties to a dispute are encouraged to use their best endeavours to resolve their issue or dispute in a courteous and respectful manner between themselves, stop any behaviour that is causing issues, and to avoid the issue escalating and threatening the effective operation of Council.

Where the issue or dispute remains unresolved or where the circumstances make informal resolution inappropriate, the parties may resort to Council's internal dispute resolution processes set out below.

## 3.5 FORMAL DISPUTE RESOLUTION AND REPORTING

### 3.5.1 INTERPERSONAL DISPUTES

Interpersonal disputes between Councillors involve conflict where there may be a breakdown in communication, a misunderstanding, a disagreement between Councillors, or strained working relationships.

To report an allegation that a Councillor has contravened the Code in relation to an interpersonal dispute, a Councillor(s) must prepare a written application (the application) to the Lord Mayor, or where not appropriate (including where the Lord Mayor is involved in the allegation) the Deputy Lord Mayor or the Councillor Conduct Officer, requesting that the matter be dealt with under the formal dispute resolution procedure. Such written application should include the name of the other Councillor and the details of the issue or dispute.

The Lord Mayor (or Deputy Lord Mayor or Councillor Conduct Officer, where relevant), will notify the other Councillor(s) of the application, and provide them with a written copy of the request.

#### **Approach to resolution**

Where there is an interpersonal dispute between Councillors, they have the option of requesting:

- **Resolution discussion** - with one of the following in attendance and facilitating the meeting: Lord Mayor or Deputy Lord Mayor (see section 3.6.1 for detailed information)

- **Mediation** - with an external mediator, via an application to the Councillor Conduct Officer (see section 3.6.2 for detailed information)
- **Arbitration** - with an independent arbiter, via an application to the Councillor Conduct Officer (see section 3.6.3 for detailed information)

### 3.5.2 ALLEGATION OF CONDUCT IN BREACH OF CODE

An allegation that a Councillor has contravened the Code may include a failure to disclose a conflict of interest, breach of confidentiality, improper direction of staff, improper use of Council resources, or a breach of Council policy under the Code of Conduct. Such conduct may constitute improper conduct or misconduct under the Act.

To report an allegation that a Councillor engaged in conduct in breach of the Code a Councillor(s) must prepare an application to the Councillor Conduct Officer. The application must:

- specify the name of the Councillor who is the subject of the allegation or complaint
- specify the provision(s) of the Code and/or relevant Council policy or protocol that the allegation relates to
- include evidence in support of the allegation
- name the Councillor appointed to be their representative where the application is made by a group of Councillors
- be signed and dated by the Applicant or the Applicant's representative.

#### **Approach to resolution**

Where a Councillor raises an allegation that another Councillor has contravened the Code and they want it dealt with by way of an internal dispute resolution procedure, they have the option of requesting:

- **Arbitration** – where the allegation involves an allegation that the Councillor has breached the conduct standards, with an independent arbiter (see section 3.6.3 for detailed information)

### 3.5.3 ALLEGATION OF DISRESPECTFUL CONDUCT

An allegation that a Councillor has engaged in disrespectful conduct may involve behaviour such as unlawful discrimination, sexual harassment, harassment, victimisation or bullying, or other breach of the City of Melbourne's policy in regard to respectful conduct.

In instances where a Councillor has a complaint or concerns relating to disrespectful conduct they may make contact with the Independent Respectful Conduct Advisor (IRCA). The IRCA will support the Councillor(s) in clarifying their rights and obligations and making decisions about appropriate avenues to report the Councillor(s)' allegation of sexual harassment and other disrespectful conduct.

In order to report an allegation of disrespectful conduct against a Councillor, a Councillor(s) must prepare an application to the Councillor Conduct Officer or the CEO. The application must:

- specify the name of the Councillor who is the subject of the allegation or complaint
- specify the provision(s) of the Code and/or Council's policies or procedures that the allegation relates to
- include evidence in support of the allegation
- name the Councillor appointed to be their representative where the application is made by a group of Councillors
- be signed and dated by the Applicant or the Applicant's representative.

#### **Approach to resolution**

Where a Councillor raises an allegation of disrespectful conduct against another Councillor they have the option of requesting:

- **Mediation** - with an external mediator (see section 3.6.2 for detailed information)
- **Arbitration** - where the allegation involves an allegation that the Councillor has breached the conduct standards, with an independent arbiter (see section 3.6.3 for detailed information)
- **Investigation** - by an independent investigator appointed by the CEO (see section 3.6.4 for detailed information)

## **3.6 DISPUTE RESOLUTION OPTIONS**

### **3.6.1 RESOLUTION DISCUSSION**

Where Councillors who are in dispute have not been able to resolve their dispute informally between themselves, a party may request in writing that the Lord Mayor or Deputy Lord Mayor (the 'Convenor') convene a confidential meeting of the parties to discuss the dispute.

The Councillor requesting the meeting is to provide the Convenor with the name of the other Councillor and the details of the dispute in writing. They should also notify the other Councillor of the request and provide a copy of the written request to them.

The Convenor or the Councillor Conduct Officer is to ascertain whether or not the other party is prepared to attend the meeting.

If the other Councillor is not prepared to attend the meeting, the Convenor is to advise the party seeking the meeting. No further action is required of the Convenor.

If the other Councillor consents to a meeting, the Convenor is to hold a confidential meeting of the parties.

Unless one or both parties are unavailable, this should be arranged within ten working days of receipt of the meeting request.

The Convenor may provide the parties with guidelines in advance of the meeting or at the meeting, to help facilitate the meeting.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened.

The role of the Convenor at the meeting is to assist the parties to resolve the dispute. In the process of doing this they may provide guidance about what is expected of a Councillor including in relation to the role of a Councillor under section 28 of [the Act](#) and the Code.

The Convenor is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties and a copy kept by the Councillor Conduct Officer.

Where the dispute remains unresolved, a party may request mediation or arbitration.

### **3.6.2 MEDIATION**

A Councillor or a group of Councillors may request that their dispute be referred to mediation. The mediation would be conducted by an external accredited mediator.

The party seeking the mediation is to notify the other party of the request and details of the dispute in writing at the same time that it is submitted to the Councillor Conduct Officer.

The Councillor Conduct Officer is to ascertain (in writing) whether or not the other Councillor is prepared to participate in the mediation. If the Councillor declines to participate in the mediation, they are to provide their reasons for not doing so in writing to the Councillor Conduct Officer. These reasons may be taken into account if the matter is subsequently the subject of an application for a Councillor Conduct Panel.

If the other party agrees to participate in mediation, the Councillor Conduct Officer is to advise the party seeking the mediation, the Lord Mayor and CEO.

The Councillor Conduct Officer will engage the services of an external mediator to conduct the mediation at the earliest opportunity.

All parties will cooperate with the dispute resolution process and provide reasonable assistance to the external mediator and the Councillor Conduct Officer.

If the parties cannot resolve the dispute at the mediation meeting, a further meeting may be convened with the consent of both parties.

The mediator is to document any agreement reached. Copies of the agreement are to be provided to both parties and the Councillor Conduct Officer.

Where the dispute remains unresolved, a Councillor may request the appointment of an arbiter.

### **3.6.3 INTERNAL ARBITRATION PROCESS**

An internal arbitration involves a party (the Applicant) to a dispute requesting the Principal Councillor Conduct Registrar to appoint an impartial third party (the Arbiter) to make findings in the relation to allegations concerning another Councillor(s) (the Respondent) and whether they have engaged in misconduct under the Act.

An application for an internal arbitration process to make a finding of misconduct against a Councillor can be made by:

- Council following a resolution of Council; or
- a Councillor or a group of Councillors.

The application must:

- specify the name of the Councillor alleged to have breached the conduct standards
- specify the clause of the conduct standards in the *Local Government (Governance and Integrity) Regulations 2020* that the Councillor is alleged to have breached
- specify the misconduct that the Councillor is alleged to have engaged in that resulted in the breach of the conduct standards
- include evidence in support of the allegation
- name the Councillor appointed to be their representative where the application is made by a group of Councillors
- be signed and dated by the Applicant or the Applicant's representative
- be made within three months of the alleged misconduct occurring
- be given to the Principal Councillor Conduct Registrar in the manner specified by the Principal Councillor Conduct Registrar in the manner specified by the Principal Councillor Conduct Registrar in any guidelines published under section 149(1)(c) of the Act.



After receiving an application the Councillor Conduct Officer will provide the application to the Councillor who is the subject of the application.

An Applicant may withdraw an application for arbitration at any time. Once an application has been withdrawn, the same or a similar application relating to the same issues or dispute in relation to the other Councillor cannot be resubmitted by the Applicant.

On receiving an application, the Principal Councillor Conduct Registrar will:

- advise the CEO (and the Lord Mayor as appropriate) of the application without undue delay
- identify an Arbiter to hear the application
- obtain from the Arbiter written advice that they have no conflict of interest in relation to the Councillors involved
- notify the parties of the name of the proposed Arbiter and provide them with the opportunity (two working days) to object to the person proposed to be the Arbiter
- consider the grounds of any objection and appoint the proposed Arbiter or identify another Arbiter
- provide a copy of the Application to the Arbiter as soon as practicable after the opportunity for the parties to object to an Arbiter has expired
- after consultation with the Arbiter, advise the Applicant and the Respondent of the time and place for the hearing
- attend the hearing(s) and assist the Arbiter in the administration of the process.

The Principal Councillor Conduct Registrar, after examining an application, will appoint an arbiter to Council to hear the matter if satisfied that:

- the application is not frivolous, vexatious, misconceived or lacking in substance.
- there is sufficient evidence to support an allegation of a breach of the Councillor Code of Conduct as specified in the application.

In identifying an Arbiter to hear the application, the Principal Councillor Conduct Registrar will select an Arbiter who is suitably independent and able to carry out the role fairly. The arbiter must be selected from a panel of eligible persons established by the Secretary to conduct an internal arbitration process.

The role of the Arbiter includes:

- consider an application alleging a contravention of the Code or breach of Council's policies or procedures
- make findings in relation to the application

- provide a written statement of reasons supporting the findings to the parties at the same time as providing the findings to Council
- recommend an appropriate sanction or sanctions where the Arbiter makes a finding of misconduct against a Councillor.

In considering an application alleging a contravention, an Arbiter will:

- in consultation with the Councillor Conduct Officer, fix a time and place to hear the application
- authorise the Councillor Conduct Officer to formally notify the Applicant and the Respondent of the time and place of the hearing
- hold as many meetings as they consider necessary to properly consider the application. The Arbiter may also hold a directions hearing.
- ensure that the parties to and affected by an application are given an opportunity to be heard by the arbiter
- consider an application by a party to have legal representation at the hearing
- ensure that the rules of natural justice are observed and applied in the hearing of the application
- ensure that the hearings are closed to the public and held in confidence
- ensure that a Councillor who is a party to an internal arbitration process does not have a right to representation unless the arbiter considers that representation is necessary to ensure that the process is conducted fairly
- conduct the hearings with as little formality and technicality as the proper consideration of the matter permits.

Where an application to have legal representation is granted by an Arbiter, the costs of the Councillor's legal representation are to be borne by the Councillor in their entirety.

An Arbiter:

- may find that a Councillor who is a Respondent to an application has not engaged in misconduct
- may find that a Councillor has engaged in misconduct
- may hear each party to the matter in person or solely by written or electronic means of communication
- is not bound by the rules of evidence and may be informed in any manner the arbiter sees fit

- may at any time discontinue the hearing if the arbiter considers that the application is vexatious, misconceived, frivolous or lacking in substance or the applicant has not responded, or has responded inadequately, to a request for further information
- will suspend the process during the election period for a general election
- must refer the matter in writing to the Principal Councillor Conduct Registrar if the arbiter believes that the conduct that is the subject of the application for an internal arbitration process appears to involve serious misconduct and would more appropriately be dealt with as an application to the Councillor Conduct Panel under section 154 of the Act.

The Arbiter is to provide a copy of his or her findings and the statement of reasons to:

- Council
- The applicant or applicants
- The Councillor who is the subject of the allegation.
- The Principal Councillor Conduct Registrar.

A copy of the arbiter's decision and statement of reasons must be tabled at the next Council meeting after Council has received the copy of the arbiter's decision and statement of reasons and recorded in the minutes of the meeting. If the arbiter's decision and statement of reasons contains any confidential information, the confidential information must be redacted before submission to the Council meeting.

If an arbiter has made a finding of misconduct the arbiter may do any one or more of the following:

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

A Councillor will cooperate with the arbitral process and provide reasonable assistance to the Arbiter.

An application cannot be made for an internal resolution by arbitration during the election period for a general election. Any internal resolution procedure that is in progress is to be suspended during the election period for a general election.

If the Respondent to an application for an arbitration is not returned to office as a Councillor in the election, the application lapses. If the Respondent is returned to office in the election, the application may resume if:

- the application was made by Council and Council so resolves; or
- the application was made by a group of Councillors and any one (or more) of those Councillors who has been returned to office wishes to proceed with the application; or
- the Applicant (individual Councillor) is returned to office and wishes to proceed with the application.

#### **3.6.4 FAILURE TO PARTICIPATE IN INTERNAL ARBITRATION PROCESS**

A Councillor who does not participate in the internal arbitration procedure may be guilty of serious misconduct. [The Act](#) provides that serious misconduct by a Councillor means any of the following:

- failure by a Councillor to comply with the Council's internal arbitration process
- failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147
- the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor
- failure of a Councillor to comply with a direction of a Councillor Conduct Panel
- 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) of the Act
- bullying by a Councillor of another Councillor or a member of Council staff;
- conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or member of Council staff.
- the disclosure by a Councillor of information the Councillor knows or should reasonably know, is confidential information;
- conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff.
- 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 the Act.

Allegations of serious misconduct are heard on application to the Principal Councillor Conduct Registrar.

### **3.6.5 INVESTIGATION**

A Councillor or a group of Councillors may make a request of the CEO to initiate an investigation in respect to serious allegations of disrespectful conduct.

A confidential preliminary investigation takes place on a 'without admission' basis, independent of the Council, and is required to determine, to an appropriate level of proof, whether the conduct that is alleged did indeed take place and whether the conduct of a Councillor may present a serious risk to occupational health and safety.

Allegations that call into question the safety of the City of Melbourne workplace to a serious extent must be managed appropriately, and investigated if necessary, in order for the Council and the CEO to meet their corporate and individual OHS obligations.

Where the application concerns an allegation that a Councillor has engaged in disrespectful conduct against another Councillor, the application must:

- specify the name of the Councillor who is the subject of the allegation or complaint
- specify the provision(s) of the Code and/or Council's policies and procedures that the allegation relates to
- include evidence in support of the allegation
- name the Councillor appointed to be their representative where the application is made by a group of Councillors
- be signed and dated by the Applicant or the Applicant's representative.

The CEO may commence an investigation on receipt of an application from a Councillor. In instances where there may be serious concerns about a risk to the health and safety of a Councillor, Councillors, Council staff or the community, the CEO may also initiate the investigation at his or her own initiative.

After receiving an application from a Councillor or at the CEO's own initiative the CEO will obtain legal advice from Council's Legal Counsel or from Council's external legal advisor as to whether or not the complaint should be investigated.

The legal advice will consider the merits of the complaint and whether the allegation(s), if substantiated, would amount to a breach of relevant legislation, this Code or Council's policies or procedures. A confidential and legally privileged investigation will only be commissioned if it is in the best interests of Council. Matters which are frivolous, vexatious or that appear to be politically motivated will not be investigated.

If the legal advice recommends investigation of the complaint, the CEO will appoint a suitably qualified investigator to investigate the allegation(s). The investigator will adopt a fair process

and conduct a thorough and impartial investigation in accordance with natural justice principles.

Councillors will cooperate with the investigation and attend interviews with the investigator if requested. The Respondent(s) to the allegation(s) will be given an opportunity to respond to the allegation(s) and submit evidence in support of their response. A Councillor who is the subject of an independent investigation agrees, on a 'without admission' basis, to voluntarily take leave during the course of the investigation.

At the conclusion of the investigation, the investigator will provide their confidential written report (the investigation report) to Council's legal advisors including the investigator's findings in relation to the allegation(s). If an allegation is substantiated, the investigator will make a finding as to whether the substantiated conduct would amount to a breach of the Code or Council's policies or procedures.

Following the investigation, the CEO may, following the receipt of legal advice, take the following actions, including:

- recommending to Council that respectful conduct training is provided for Councillor(s), or that a Councillor make an apology in a particular form or manner to an individual or group
- recommending that Council make a public statement regarding the findings of the investigation report, and/or release a summary of the investigation report
- referring the findings to the Chief Municipal Inspector or other appropriate authority for further investigation.

## SECTION 4: DEFINITIONS

Chief Executive Officer	The Chief Executive Officer of Council of the City of Melbourne
Chief Municipal Inspector	The Chief Municipal Inspector is responsible for investigating and prosecuting possible breaches and offences under the <i>Local Government Act 2020</i> , investigating allegations of Councillor misconduct, serious misconduct and gross misconduct, making an application for a Councillor Conduct Panel to make a finding of serious misconduct against a Councillor and making an application to the Victorian Civil and Administrative Tribunal for a finding of gross misconduct by a Councillor.
conflict of interest	A Councillor has; <ul style="list-style-type: none"><li>• a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person’s private interests could result in that person acting in a manner that is contrary to their public duty.</li><li>• a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.</li></ul>
Conduct Standards	The standards of Councillor conduct prescribed under Schedule 1 to the <i>Local Government (Governance and Integrity) Regulations 2020</i> .
Councillor	All references to ‘Councillor’ include the Lord Mayor, Deputy Lord Mayor and elected members of the Melbourne City Council except as expressly provided.
Councillor Conduct Panel	A panel established under the <i>Local Government Act 2020</i> to hear applications and make findings of alleged misconduct or serious misconduct by a Councillor.
disrespectful conduct	‘Disrespectful conduct’ includes unlawful discrimination, sexual and other forms of harassment, victimisation, racial and religious vilification, and bullying.
employee	An employee of Council includes all members of staff, contractors and volunteers under the direct control or supervision of the City of Melbourne.
gross misconduct	‘Gross misconduct’ by a Councillor means 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.
improper conduct	'Improper conduct' includes a failure to disclose a conflict of interest, a breach of confidentiality, the improper direction or influence of staff, the improper use of Council resources, or a breach of Council policy under the Code of Conduct by a Councillor.
Independent Respectful Conduct Advisor (IRCA)	An independent external advisor available to Councillors to provide advice and assistance on matters relating to disrespectful conduct under the Code of Conduct including options for reporting and resolving complaints.
misconduct	Misconduct by a Councillor means any breach by a Councillor of the prescribed conduct standards included in this Councillor Code of Conduct
Councillor Conduct Officer	A person appointed by the Chief Executive Officer to assist Council in implementing its internal arbitration process.
Principal Councillor Conduct Registrar	The Principal Councillor Conduct Registrar receives applications for the establishment of Councillor Conduct Panels under the <i>Local Government Act 2020</i> .
Secretary	Secretary to the Department of Environment, Land, Water and Planning
serious misconduct	<p>Serious misconduct by a Councillor means:</p> <ul style="list-style-type: none"> <li>• failure by a Councillor to comply with the Council's internal arbitration process</li> <li>• failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147</li> <li>• the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor.</li> <li>• failure of a Councillor to comply with a direction of a Councillor Conduct Panel</li> <li>• 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) of the <i>Local Government Act 2020</i></li> <li>• bullying by a Councillor of another Councillor or a member of Council staff</li> <li>• conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or member of Council staff</li> </ul>



- the disclosure by a Councillor of information the Councillor knows or should reasonably know, is confidential information
- conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff
- 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 the *Local Government Act 2020*.

The Act

All references to 'the Act' are to the *Local Government Act 2020*.

## **APPENDIX 1: INCORPORATED RELEVANT DOCUMENTS**

There are five incorporated documents that Councillors commit to adhering to in signing the Code. They are:

[Councillor Protocol](#)

[Councillor Expenses Policy 2020](#)

[Councillor Fitness to Carry Out Duty Policy](#)

[Councillor Occupational Health and Safety Policy](#)

[Councillor Respectful Conduct Policy](#)

## APPENDIX 2: RELEVANT LEGISLATION

[Local Government Act 2020](#) (Vic)

[Local Government \(Governance and Integrity\) Regulations 2020](#) (Vic)

[City of Melbourne Act 2001](#) (Vic)

[Child Wellbeing and Safety Act 2005](#) (Vic)

[Equal Opportunity Act 2010](#) (Vic)

[Occupational Health and Safety Act 2004](#) (Vic)

[Public Interest Disclosures Act 2012](#) (Vic)

[Sex Discrimination Act 1984](#) (Cth)

[Victorian Charter of Human Rights and Responsibilities Act 2006](#) (Vic)

## **APPENDIX 3: COUNCILLOR CONDUCT STANDARDS**

### **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*; and

(b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and

(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.

### **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; and

(b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and

(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.

### **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;

(d) any directions of the Minister issued under section 175 of the Act.

#### **4 Councillor must not discredit or mislead Council or public**

(1) In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.

(2) In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

#### **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.