

Administrator/Councillor Code of Conduct

PREAMBLE

As Administrators/Councillors we hold a unique and important role at the City of Whittlesea.

We provide leadership that ensures good governance of the municipality and accept responsibility for developing policies and strategies that will benefit the municipal community.

When carrying out our role and responsibilities, we are guided by the standards of conduct in the Administrator/Councillor Code of Conduct (the Code). We will uphold these standards to earn the trust of our community, which we serve and agree to a peer-to-peer review under this Code where there is an allegation of inappropriate conduct.

The Code promotes and reinforces the values and behaviours that guide us in delivering great outcomes for the City of Whittlesea and to establish an environment that will enable us to provide exemplar governance.

PLEDGE

We, the Administrators/Councillors of the Whittlesea City Council, pledge to work together in the best interests of our community and to discharge our responsibilities to the best of our ability and judgement.

As part of this commitment, Council will adhere to conduct principles, values and behaviours outlined in the Code and work together constructively to achieve Whittlesea's vision in a manner that is consistent with our core values.

We are committed to the Standards of Conduct prescribed by the *Local Government (Governance and Integrity) Regulations 2020*.

SCOPE

The Code applies to Administrators and will apply to Councillors after the general elections to be held in October 2024. The Code must be reviewed within four months after the 2024 general elections.

CONTEXT

The Code of Conduct is a requirement under section 139 of the *Local Government Act 2020*.

The role of Administrators/Councillors is to provide a vision and strategic direction for the Whittlesea City Council and to make policy decisions that will benefit the municipal community.

Councillors/Administrators are required to work together, and this Code is a collective agreement on our values and standards of behaviour.

The Code is set out in three parts:

- PART 1. Working together and with the community
- PART 2. Standards of behaviour
- PART 3. Dispute resolution processes

PART 1 – WORKING TOGETHER AND WITH THE COMMUNITY

The City of Whittlesea strives to be an organisation of exceptional character. As community and civic leaders, Administrators/Councillors will lead by example and promote the highest standards in the way that Council business is conducted.

We aim to achieve the greatest outcomes for the community by championing Council's adopted values and behaviours in pursuit of Council's future vision.

Excellence

We will:

- earn and sustain public trust by making decisions and providing advice on merit and without bias, favouritism or self-interest
- achieve best use of resources and provide high quality services to the community
- identify and promote best practice
- use our powers responsibly and avoid conflicts of interest
- report improper conduct
- work in a transparent manner and accept responsibility for our decisions and actions
- submit ourselves to appropriate scrutiny.

Respect

We will:

- respect one another, members of Council staff and members of the community
- treat others fairly and objectively
- promote and ensure freedom from discrimination, harassment and vilification, including direct and indirect discrimination
- respect the traditional ownership of the land on which we meet.

Open Communication

We will:

- be honest, open and transparent in our dealings
- act with humility and apply the highest standards of ethical behaviour
- accept responsibility for mistakes and see them as opportunities for continuous improvement and growth
- ensure all communications including social media is respectful and will not negatively impact Council
- work effectively with and build constructive relationships with Council's Executive Leadership Team and key stakeholders.

Valuing Diversity

We will:

- take time to listen and understand different points of view
- understand and respect the diversity of our community
- make decisions and provide advice consistent with human rights;
- recognise that some of the best solutions are community led, and we ensure our processes are open, transparent and welcoming to community input.
- recognise the strengths of our diverse community and ensure people from all walks of life, ability and backgrounds feel comfortable to engage and contribute. This means a one size does not fit all, and that sometimes targeted responses are required to achieve fairer

outcomes; particularly for individuals and groups experiencing disadvantage and discrimination due to their heritage, disability, age, background or identity.

- encourage active community participation in civic life.
- welcome the opinions of the community and respect their right to be heard.

Wellbeing

We will:

- respect and care about our community, each other and ourselves
- work towards harmonious working relationships with others
- support one another and staff if they are treated unfairly or without respect
- promote gender equity, fairness and inclusivity.

PART 2 – STANDARDS OF BEHAVIOUR

We will conduct ourselves in a manner that is consistent with our values to meet and exceed legislated requirements.

1. TREATMENT OF OTHERS

Administrators/Councillors must treat fellow Administrators/Councillors, Council staff, the municipal community and members of the public with dignity, courtesy and respect, including:

- a) taking, supporting and promoting positive action to eliminate discrimination, harassment (including sexual harassment) and vilification;*
- b) not engaging in or participating in discrimination, harassment (including sexual harassment) or vilification of any person or group or class of persons;*
- c) supporting the Council in fulfilling its obligation to achieve and promote gender equality;*
- d) not using abusive, obscene, offensive or threatening language or behaviour (including oral or written) towards other Administrators/Councillors, Council staff or members of the public;*
- e) in considering the diversity of interests and needs of the municipal community - having proper regard for other people's rights, obligations, cultural differences, safety, health and welfare.*

Our Commitment

- We will be fair, objective and respectful in our dealings with other Administrators, members of Council staff and our community.
- We will respect and promote the human rights set out in the *Charter of Human Rights and Responsibilities Act 2006* and understand how they apply to our work.
- We will promote a workplace of choice where people are treated fairly and with respect and are free from all forms of unlawful discrimination and inappropriate workplace behaviours, such as harassment including sexual harassment, victimisation, vilification, bullying and occupational violence.

2. PERFORMING THE ROLE OF ADMINISTRATOR/COUNCILLOR

Administrators/Councillors must do everything reasonably necessary to ensure that they perform the role of an Administrator/Councillor effectively and responsibly, including by:

- a) undertaking any training or professional development activities the Council decides it is necessary for all councillors to undertake in order to perform the role of Administrator/Councillor;*
- b) diligently using council processes to inform themselves about matters which are subject to council decisions;*
- c) ensuring that they are fit to conscientiously perform the role of Administrator/Councillor when acting in that capacity or purporting to act in that capacity;*

- d) *representing the interests of the municipal community in performing the role of councillor by considering and being responsive to the diversity of interests and needs of the municipal community.*

Our Commitment

- We will perform our duties diligently, impartially and responsibly, acting in good faith and in the interest of Council and the municipal community.
- We will refrain from any form of conduct which may cause a reasonable person unwarranted offence or embarrassment.
- We will not use our position to influence Council staff in the performance of their professional duties.
- When exercising land use planning, development assessment and other regulatory functions, we will ensure that no action, statement or communication between ourselves and others conveys any suggestion of a willingness to improperly provide concessions or preferential or unduly unfavourable treatment.
- We will raise any grievances or differences of opinion in an appropriate forum and resolve any disputes in accordance with this Code.

3. COMPLIANCE WITH GOOD GOVERNANCE MEASURES

Administrators/Councillors must diligently and properly comply with the following Council procedures, policies and practices established for the good governance of the Council:

- a) policies, practices and protocols established by the Chief Executive Officer for managing interactions between Council staff and Administrators/Councillors;*
- b) the Council Expenses Policy adopted and maintained by the Council;*
- c) the Governance Rules developed by the Council;*
- d) Ministerial directions.*

Our Commitment

- We will exercise our responsibilities impartially and in the interests of the local community
- We will not improperly seek to confer an advantage or disadvantage on any person.
- We will not use or disclose confidential Council information to gain advantage for ourselves or any other person.
- We will report behaviour that represents fraud, corrupt conduct, mismanagement of Council resources, misuse of position or is a danger to health, public safety or to the environment in accordance with Council's *Public Interest Disclosure Procedures*.
- We will use Council resources solely in the public interest and will comply with the *Administrator/Councillor Expenses, Reimbursement and Support Policy*.
- We will not accept gifts, benefits or hospitality and will comply with the *Administrator/Councillor Gift and Benefits Policy*.
- We will identify and manage any conflicts of interest and observe the requirements of the *Act* and the *Governance Rules* in regard to the disclosure of conflicts of interest.
- We are aware of our responsibilities under Council's *Child Safe Policy* and will report and act on concerns regarding the abuse or neglect of a child.

4. COUNCILLOR MUST NOT DISCREDIT OR MISLEAD COUNCIL OR PUBLIC

Administrators/Councillors must uphold the reputation of the council;

- a) Administrators/Councillors must conduct themselves in a manner that promotes community trust and confidence in the council as a democratically elected body responsible for the peace, order and good government of the municipal district.*

- b) *Administrators/Councillors must not act in a manner or engage in behaviour that is detrimental to the reputation of the council or undermines public confidence in the Council's ability to perform its role.*

Our Commitment

- We will act honestly and avoid actions or conduct that will or is likely to mislead or deceive a person.
- We will accept each individual's differences, values, culture and beliefs.
- We will always listen to the views and ideas of other people.
- We will use social media responsibly and in accordance with Council *Social Media Policy* to minimise exposure of Council and Administrators/Councillors to legal and reputational risk.

5. STANDARDS OF CONDUCT DO NOT LIMIT ROBUST POLITICAL DEBATE

- We will promote and not detract from robust public debate in a democracy.
- We will contribute and debate items with respect in the Council Chamber.
- We will accept the final Council decision.

PART 3 - DISPUTE RESOLUTION PROCESSES

Administrators/Councillors are expected to engage in robust discussions about matters affecting the community and to promote and facilitate effective decision making by the Council.

While robust debate and diversity of opinion is expected it will be carried out respectfully and constructively. Where a dispute occur, Administrators/Councillors will use their best endeavours to resolve the matter in a courteous and respectful manner before resorting to the formal dispute resolution process.

Where, after these endeavours have been exhausted, the dispute remains unresolved, the internal arbitration processes prescribed by the *Act* and the *Regulations* must be used to resolve the dispute.

The internal arbitration process will incorporate the following:

1. The complaint must specify the name of the Administrator/Councillor alleged to have breached the standards of conduct, the standard of conduct that is alleged to have been breached and the behaviour that is alleged to have resulted in the breach;
2. An arbiter appointed to hear a complaint must consider the evidence and information provided by the parties to the complaint and conduct the hearing of the complaint with as little formality and technicality as the proper consideration of the complaint permit ensuring that the process is not open to the public;
3. The arbiter may at any time close the complaint if the arbiter is of the view that it is vexatious, misconceived, frivolous or lacking in substance or the complainant has not responded, or has responded inadequately, to a request for further information;
4. A written copy of the decision and statement of reasons provided by the arbiter must include any sanctions imposed; and
5. After Council has tabled a copy of an arbiter's decision and statement of reasons, Council must ensure that the report, with any required redactions to remove confidential information, is made publicly available.

The dispute resolution processes in the Code do not apply to disputes between Administrators/Councillors and members of the community.